

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1899 of 2016**

Smt. Rajpati Bai W/o Arun Kumar Tigga, Aged About 38 Years
 R/o Village Bartoli, Bhagalpur, Jashpur, District Jashpur,
 (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The School Education Department, Mantralaya, New Raipur, District Raipur, (Chhattisgarh)
2. The Collector, Jashpur, District Jashpur, (Chhattisgarh)
3. The District Education Officer, Jashpur, District Jashpur, (Chhattisgarh)
4. The Chief Executive Officer, Zila Panchayat Jashpur, District Jashpur, (Chhattisgarh)
5. The Chief Executive Officer , Janpad Panchayat Manora, District Jashpur, (Chhattisgarh)

...Respondents

For Petitioner	:	Mr. Udhaw Sharma, Advocate.
For State	:	Mr. S.P. Kale, Dy. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****13/06/2016**

Heard.

1. The petitioner has filed this petition aggrieved by transfer order dated 08.03.2016. According to the petitioner, the transfer is in violation of the Transfer Policy of giving preferential consideration to female employees as specified as per clause 3(2) of the Transfer Policy dated 24.08.2015. It is submitted that according to the Transfer Policy, if any employee is aggrieved by counselling or posting, he can prefer a representation and the petitioner has preferred representation on 1.03.2016 but till date, the representation has not been decided,

therefore, the petitioner had no option but to approach this Court.

2. Learned State counsel submits that even though representation of the petitioner may not have been decided, considering that it was the petitioner's consent which was made a basis for her transfer, the petitioner is not entitled to any indulgence.

3. Be that as it may, in view of what has been stated in the representation, the competent authority should decide the representation one way or the other. Once the policy provides for grievance redressal mechanism of consideration of representation, it is required to be decided within reasonable time and the competent authority cannot sit over the representation for indefinite time. Particularly in transfer matters, it is all the more necessary that representation should be decided immediately without loss of time. These are not matters where any kind of disciplinary action is taken. Transfer matters involve small issue and therefore, the competent authority should immediately decide the representation and the employee should not be driven to the High Court only because the representation has not been decided. In this case, it is found that representation was made as back as on 01.03.2016 and almost 3½ months have elapsed without there being any decision. Therefore, a direction is required to be issued to respondent no.3 to decide petitioner's representation. Within a period of 7 days from the date of receipt of copy of this order, the respondent No.3 shall decide petitioner's representation by speaking order. If representation is not decided, the petitioner would be at liberty to take recourse to remedy as may be available to the petitioner under the law.

4. With the aforesaid direction, the petition is disposed off.

Sd/-
(Manindra Mohan Shrivastava)

J U D G E