

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3186 of 2016

- Smt. Mamta Sahu W/o Hulas Ram Sahu, Aged About 34 Years R/o H. No. 7 B /5, Street 7- B, Sector -2, Professor Colony, Raipur District Raipur (Chhattisgarh).

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary Department Of Panchayat & Rural Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh).
2. Chief Executive Officer, Zila Panchayat Raipur, District Raipur (Chhattisgarh).
3. Chief Executive Officer, Zila Panchayat Janjgir, District Janjgir Champa (Chhattisgarh).

---- Respondents

For Petitioner : Mr. Mateen Siddiqui, Advocate
For State : Mr. Gary Mukhopadhyay, Dy. Government Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

27/07/2016

Heard.

1. The petition has been filed by the petitioner on the grievance that even though, the petitioner has been relieved from earlier place of posting and joined in the Office of Chief Executive Officer, Raipur, she has not been given posting, presumably, because of cancellation of NOC vide order dated 28.06.2016.
2. Learned counsel for the petitioner submits that order of transfer has not been changed till date, and therefore, unless transfer order itself is changed or the petitioner is transferred to some other place, the petitioner is entitled to a place of posting.
3. It appears that the petitioner was transferred from Janjgir-Champa district to Raipur district, based on accommodation under

Government policy for keeping husband and wife together in a same place. Later on, it appears that upon disclosure of the fact that the petitioner's husband is a Railway employee, and therefore, the petitioner is not entitled to accommodation as per clause 4 of the Policy dated 02.03.2016, the Chief Executive Officer, Raipur has proceeded to cancel the NOC vide order dated 28.06.2016.

4. Irrespective of all said and done, there is no fresh order of transfer till date on the aforesaid ground. Therefore, as long as the transfer order of the petitioner remains in force and not changed, the petitioner is entitled for place of posting.
5. With this observation, the petition stands disposed off with a direction to the respondents to provide the petitioner place of posting as per existing transfer order. It is made clear that this order shall not come in the way of passing fresh order of transfer.

Sd/-
(Manindra Mohan Shrivastava)
Judge