

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4450 of 2015

Smt. Pushpalata Sahu W/o Shri Ajay Kumar Sahu, Aged About 40 Years
Occupation Service, Posted As Jr. Assistant Grade- I, N M D C, Bailadila
Iron Ore Mines, Kirandul, Kirandul Complex, Post, P.S. Kirandul, Tehsil
Dantewada, Revenue & Civil District South Bastar, Dantewada,
(Chhattisgarh), R/o Qtr. No. O D S/ 366, Post, P.S. Kirandul, Tehsil
Dantewada, Civil & Revenue District South Bastar Dantewada,
(Chhattisgarh)

---- **Petitioner**

Versus

1. National Minerals Development Corporation Limited Through Its
Chairman Cum- Managing Director, Masab Tank, Hyderabad- 500028
(State Of Telangana & Andhra Pradesh).
2. Joint General Manager, National (Personnel) Minerals Development
Corporation Limited, Masab Tank, Hyderabad- 500028 (State Of
Telangana & Andhra Pradesh)
3. General Manager, Bailadila Iron Ore Mine, Kirandul Complex, Kirandul,
Revenue, & Civil District South Bastar Dantewada, (Chhattisgarh)
4. Project Manager, Bailadila Iron Ore Mine, Kirandul Complex, Kirandul,
Revenue & Civil District South Bastar Dantewada, (Chhattisgarh)
5. Assistant Manager (Personnel), Bailadila Iron Ore Mine, Kirandul
Complex, Kirandul, Revenue & Civil District South Bastar, Dantewada,
(Chhattisgarh)
6. General Manager, Donimalai Iron Ore Mine, Donimalai Township, Bellary,
Revenue & Civil District Bellary 583118 (Karnataka).

---- **Respondents**

For Petitioner	:	Shri Surfaraj Khan, Advocate
For Respondents	:	Shri Vaibhav Shukla, Advocate

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

08/08/2016

Heard.

1. The transfer order dated 04.11.2015 is under challenge by the

petitioner on the ground that it is outcome of victimization because the petitioner had submitted a complaint alleging maltreatment when she was undergoing pregnancy due to which, the pregnancy was aborted. It is also submitted that the husband of the petitioner is posted in the Government College at Kirandul, Tehsil Dantewada, District South Bastar Dantewada (C.G.). The third ground was that at the time when the transfer order was passed, it was in the mid session and children were studying in the school.

2. As far as the allegation of victimization is concerned, I do not find that the pleadings and the documents on record meet the requirement of high degree of proof of malafide. Even the authority who passed the transfer order, has not been impleaded by name. The transfer order was issued by one of the highest authority sitting at Hyderabad. There may be some grievance with the local officer. However, that by itself, without any other material, is not sufficient to draw inference by malafide exercise of power by the Transferring Authority.

3. The petitioner is an employee of Government of India undertaking liable to be posted all over the country. The services are transferable in nature.

4. Learned counsel for the respondents pointed out that number of female employees has been transferred in the past. The petitioner has remained posted in the present place ever since her initial appointment. In an extreme situation to meet out certain hardship, limited protection could be granted, if it is found that if the transfer order is allowed to be executed, severe hardship may result. One such hardship stated in the case is that the children of the petitioner were studying. However, it is found that the transfer order has remained stayed by this Court since 27.11.2015.

5. On the issue of benefit of keeping husband wife together, there is no policy that even if the husband of the petitioner is a State Government servant, or is a servant of any other authority, she would be entitled to adjustment in the same place.

6. In view of the above considerations, I am not inclined to quash the

order.

7. The transfer order has remained in abeyance because of the interim order for more than 9 months. The competent authority may consider whether or not, the petitioner should be given any kind of adjustment in the changed circumstances. It is expected that the competent authority shall decide the matter within a period of four weeks from the date of receipt of copy of this order.

8. With the aforesaid observations, the petition is finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge