

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4451 of 2017

Ku. Astha Chandrakar D/o Shri Madhav Chandrakar, Aged About 25 Years
Hostel Superintendent Grade- D At Pre Metric Adiwasi Kanya Chhatrawas,
Bilha, District Bilaspur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Under Secretary, Scheduled Caste And Scheduled Tribes Development Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
2. Commissioner, Scheduled Caste And Scheduled Tribes Development Department, Raipur, District Raipur, Chhattisgarh.
3. Assistant Commissioner, Tribal Welfare Department, District Bilaspur, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri A.S. Rajput, Advocate
For State	:	Shri Manish Nigam, Panel Lawyer

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

Order On Board

04/09/2017

1. The transfer order is under challenge on the ground that unless the petitioner is made regular, the petitioner could not be transferred under the impugned order as per Clause -14 of the appointment order. Second submission is that the petitioner is being transferred to a place which is 150 K.M. away therefore, the petitioner has been transferred to far off place. The third ground is that in place of petitioner no one has been posted.
2. The petitioner was appointed vide order dated 19.3.2015 and she joined on 6.4.2015. The transfer order has been passed in the month of August 2017. That means the petitioner has completed 2 years of posting. Therefore, she is not entitled to protection under clause 14 of the appointment order. The

parity claimed with the case of one Atul Kumar Singh Vs. State of C.G. (WPS No.4193 of 2017) is therefore not acceptable. The other grounds do not make out a case of interference by the writ Court.

3. The petitioner would be at liberty to prefer representation on any other ground before the respondent authority and if such representation is made, the same shall be considered and decided in 4 weeks.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen