

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6447 of 2016

Smt. Preeti Tiwari W/o Saurabh Tiwari, Aged About 27 Years Working As Assistant Programmer, At Municipal Council, Kanker, District Kanker, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Urban And Administration And Development Department, Mahanadi Bhawan, New Mantralaya, Raipur, (Chhattisgarh)
2. The Commissioner, Municipal Council, Kanker, District Kanker, (Chhattisgarh)

---- Respondents

Shri R.K.Kesharwani, counsel for the petitioner/s.
Shri B.Gopakumar, Dy.A.G. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/01/2017

Return of the State has been filed.

The petitioner has filed this petition aggrieved by her frequent shifting from Kanker to Bijapur.

2. The petitioner was initially appointed as Assistant Programmer in the Municipal Council at Bijapur to which, she belongs. It appears that an order of transfer was passed by the State on 18/04/2016 transferring her from Bijapur to Kanker. However, the petitioner was not relieved until 31/08/2016. No sooner, the petitioner joined at Kanker, the impugned order came to be passed within a period of three months again sending him to Bijapur saying that as per State Government's policy, employees are being sent to their parent Municipal Council.

3. Learned counsel for the petitioner submits that the petitioner has been

subjected to hardship in as much as he has been made to shift from one place to other. If at all this is the policy decision, there was no reason to shift her from Bijapur to Kanker.

4. On the other hand, learned State counsel submits that initially, at the time when the petitioner was shifted from Bijapur to Kanker, the Government had not finalised its policy. Later on, a policy decision was taken to send back such employees to their parent Municipal Council. Therefore, occasion arose to again transfer the petitioner from Kanker to Bijapur where the petitioner was initially appointed.

5. Though this Court normally does not interfere with the policy decision taken by the Government, transfer, to the extent it results in grave hardship, would call for interference to save an employee from an uncalled for and unwarranted hardship. Therefore, to the limited extent, I am inclined to protect the petitioner. The petitioner has come to the present place of posting i.e. Kanker only in the month of August, 2016. Therefore, considering the overall circumstances of the case, this petition is disposed off with a direction that the impugned order of transfer of the petitioner shall not be given effect to till the end of April, 2017. The petitioner shall be relieved after expiry of one year of her joining at the present place of posting.

Sd/-
(Manindra Mohan Shrivastava)
Judge