

**NAFR****HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 5997 of 2017**

- Smt. Pramila Barman W/o Ram Khilawan Barman, Aged About 47 Years Presently Posted And Working As Supervisor, Integrated Child Development Project, Barpali, District Korba, Chhattisgarh. R/o Village Kanki, Police Station Uрга, District Korba, Chhattisgarh.

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through The Secretary, Women And Child Development Department, Mahanadi Mantralaya, Naya Raipur, Post Office And Police Station Naya Raipur, District Raipur, Chhattisgarh.
2. Under Secretary, Women And Child Development Department, Mahanadi Mantralaya, Naya Raipur, Post Office And Police Station Naya Raipur, District Raipur, Chhattisgarh.
3. Commissioner, Women And Child Development Department, Indrawati Bhawan, Naya Raipur, Post Office And Police Station Naya Raipur, District Raipur, Chhattisgarh.
4. Collector, Korba, District Korba, Chhattisgarh.
5. District Programme Officer, Women And Child Development Department, Korba, District Korba, Chhattisgarh.
6. Smt. Chandraprabha Sharma, Supervisor, Integrated Child Development Project, Manendragarh, District Korea, Chhattisgarh.

**---- Respondent**

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For Petitioner

Mr. Vivek Shrivastava, Advocate

For Respondent/State

Mr. R. Tripathi, Panel Lawyer

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**Hon'ble Shri Justice Prashant Kumar Mishra****Order On Board**

**13/11/2017**

1. Heard.
2. The petitioner is working as Supervisor in the Department of Women and Child Development. By order dated 21.7.2017, she has been transferred on administrative grounds from Integrated Child Development Project, Barpali, District Korba to Integrated Child Development Project, Bhaiyathan, District Surajpur.
3. In the petitioner's earlier writ petition bearing WPS No.3751 of 2017, this Court allowed the petitioner to prefer representation before the competent authority to claim posting outside the scheduled area according to the Government Policy within a period of 3 weeks and thereafter, the competent authority was directed to take decision within 4 weeks from the date of receipt of the representation. It was also directed that no coercive steps shall be taken against the petitioner for a period of 04 weeks.
4. By the present impugned order (Annexure P/2), the petitioner's representation has been rejected on the ground that the transfer being an administrative arrangement for proper execution of the Departmental Schemes/Projects, the same cannot be recalled when the reliever has been posted against the petitioner's post.
5. Referring to the State Government's Circular dated 3/6/2015 read with the present Transfer Policy of the year 2017, it is argued that a Government Servant having already worked in the

scheduled area for more than 3 years shall not be transferred to another scheduled area, therefore, the petitioner's transfer from Barpali, District Korba to Bhaiyathan, District Surajpur, is illegal as both the areas are scheduled areas.

6. The Circular of the year 2015 as well as the Transfer Policy of year 2017 are executive instructions, therefore, they are not enforceable by the writ Court. Every such policy is a guideline for transfer and posting of employees and is not statute in itself.
7. In the transfer order as well as in the order rejecting representation, it is mentioned that the petitioner's transfer has been effected on administrative grounds. Therefore, it is for the Government to assess the administrative grounds, on which, the transfer orders are to be issued and the Court cannot sit in appeal over the decision taken by the Government to post an employee at a particular place.
8. The petitioner's representation having been rejected by assigning reasons, the same does not call for any interference by this Court
9. For the foregoing, the writ petition deserves to be and is hereby dismissed.

Sd/-

Judge

**(Prashant Kumar Mishra)**