

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 1422 of 2018

Sarika Son W/o Shri Rajesh Son, aged about 42 years, R/o Pachpedi Naka, Raipur, District Raipur (C.G.).

---Petitioner

Versus

1. State of Chhattisgarh, Through Secretary, Department of Revenue and Disaster Management, Mahanadi Bhavan, Capital Complex, New Raipur, P.S.Rakhi, District Raipur (C.G.).
2. Collector, Raipur, District Raipur (C.G.).
3. Sub Divisional Officer (Revenue), Raipur, District Raipur (C.G.).
4. Vishwajeet Moitra, Shankar Nagar, Raipur, District Raipur (C.G.).

---Respondents

For petitioner	:	Shri Sudeep Agrawal, Advocate.
For respondent/State	:	Shri S.P.Kale, Dy.A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19/02/2018

1. The challenge in the present Writ Petition is to annexure P/1 dated 30-31/01/2018.
2. Vide the impugned order, the petitioner who was working as a Patwari at P.H.No.61, Tahsil Raipur, District Raipur has been attached to the office of Kanungo Branch, Raipur.
3. The limited contention of the counsel for the petitioner is that, the order of attachment is per se bad as there is a circular of the State Government dated 04/06/2001 which still holds good which prohibits attachment of the government employee. He further submits that, the plain reading of the said

circular would clearly reflect that, there is a total ban under any circumstances on attachment being made of a government employee from one office to another and thus prayed for quashment of the said order. It was also the contention of the counsel for the petitioner that, a child of the petitioner was suffering from a grievous ailment and therefore also the department should have considered the case of the petitioner sympathetically as she requires a continuous uninterrupted treatment of her child for which also the present place of posting was suitable to her and the authorities have not considered this aspect also.

4. Having heard the contentions of the counsel for the petitioner and on perusal of annexure P/1 what clearly reflects is that, there are some serious allegations/charges levelled against the present petitioner and for which she has been subjected to the disciplinary proceedings.

5. Considering the nature of dispute which is said to have been alleged against her, the department thought it fit of temporarily keeping her away from the present place of posting perhaps with an intention that, she may not be able to tamper with the records which are otherwise available in the department where she was presently posted and which can be detrimental in the departmental proceedings against the petitioner.

6. What is also pertinent to take note is that, the disciplinary proceedings initiated against the petitioner seems to have been pursuant to the order passed by the division Bench of this Court in WP(PIL) No. 17/2017. Based on the order passed in the said Writ Petition, a letter was also sent by the

Additional Registrar (D.E.), High Court of Chhattisgarh to the Collector, Raipur on which the action has been initiated.

7. Given the allegations which have been levelled against the petitioner and also taking into consideration the background in which the said order has been issued, this Court does not find the order of attachment issued to be so fatal as would be detrimental to the service conditions of the petitioner in any manner.

8. Moreover, if we look at the circular of the State Government dated 04/06/2001 it clearly reflects that, the said circular was issued in the context where the government officials as a matter of routine were being attached to a different department though, substantively they were posted at a different place which was causing problems to the smooth administration of the government functions. Whereas in the instant case, the order of attachment has been initiated pursuant to the disciplinary proceeding which is initiated against the petitioner. Thus, the said order of attachment cannot be said to be one which would be affected in any manner by the circular dated 04/06/2001, nor can it be said that the said circular stipulates a clear embargo on government in attaching a particular employee in a given circumstances.

9. Under the circumstances which has been enumerated in the impugned order – Annexure-P/1, this Court does not find any strong case made out by the counsel for the petitioner calling for an interference with the impugned order and the same deserves to be and is accordingly rejected.

10. Needless to mention that the reluctance by this Court in entertaining the Writ Petition would not preclude the petitioner in availing the other remedies available to her by approaching higher authorities in the department for redressal of her grievance.

11. Accordingly, the Writ Petition stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit