

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5099 of 2018**

Neelam Kiran Singh W/o Shri Sateesh Singh Aged About 38 Years
Excise Sub Inspector, Presently Posted At Chhattisgarh State
Beverage Corporation Limited Ware House, Bilaspur, R/o A/70
Patliputra Nagar, Sarkanda, Bilaspur, District- Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Commercial Tax Excise Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District- Raipur, Chhattisgarh.
2. Chhattisgarh State Beverage Corporation Limited, A Government Of Chhattisgarh Undertaking, Represented Through General Manger, State Beverages Corporation Limited, Excise Bhawan, Chokra Nala, Labhandi Raipur, Chhattisgarh.
3. Ashwani Kumar Anant, District Excise Officer, Aged About 45 Years, District Excise Officer, Presently Posted As Go-Down Officer At Chhattisgarh State Beverage Corporation Limited, Ware House, Bilaspur, Chhattisgarh.
4. General Manager, State Beverages State Beverages Corporation Limited, Excise Bhawan, Chokra Nala, Labhandi Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

----Respondents

For Petitioner	:	Mr. Kishore Bhaduri, Advocate
For State	:	Mr. Dheeraj Wankhede, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****21/08/2018**

1. The challenge in the present writ petition is to the order (Annexure P/1) dated 30.07.2018, whereby the services of the petitioner has been transferred from the Beverage Corporation Godown, Bilaspur to the office of the Commissioner (Excise), District Raipur by cancellation of a deputation to the said corporation on administrative ground.
2. The counsel for the petitioner submits that the petitioner herein is a victim of sexual harassment at work place, wherein there had been an F.I.R. lodged by the petitioner against the superior officer in the

department, particularly the respondent No.3, and where the investigation is going on. The F.I.R. was lodged on 19.07.2018 and the impugned order has been passed barely in about fortnight's time.

3. The counsel for the petitioner submits that the officer against whom the allegations have been made is still available in the same office and if the petitioner is transferred to a place outside, there are all possibilities that the said officer may influence the persons, who are otherwise cited as witnesses in the criminal case. Moreover the petitioner would also find it difficult to contest the case, in case, if the police file a charge sheet. The petitioner further submits that the order of transfer also in breach of the guidelines framed by the Hon'ble Supreme Court in the case of ***"Vishaka & Others v. State of Rajasthan & Others"*** [1997(6) SCC 241].
4. Considering the aforesaid facts and circumstances of the case, let the petitioner make a detailed representation to the respondents No.1 & 2 within a period of 15 days from today and let the competent authorities take a decision on the grievance of the petitioner, particularly the grounds, which the petitioner has raised in the present writ petition and which she would take in the representation and till the representation is finally decided, the impugned order so far as the petitioner is concerned shall not be given effect to.
5. The writ petition stands allowed and disposed off.

Sd/-
(P. Sam Koshy)
Judge