

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.5448 OF 2018**

Shefali Pandey W/o W/o Somnath Pandey Aged About 36 Years R/o Qtr. No. G- 16, Pwd Colony, In Front Of Surya Apartment, Katora Talab, Raipur, Chhattisgarh.

...Petitioner(s)

Versus

1. State Of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur, Chhattisgarh.
2. Executive Engineer Public Works Department, Division No. 2, Medical College Premises, Raipur, Chhattisgarh.
3. Sub Divisional Officer, Public Works Department, Sub- Division No. 4, (Arang), Raipur, Chhattisgarh.

... Respondent(s)

For Petitioner(s)	:	Shri Manoj Paranjpe, Advocate.
For Respondent-State	:	Shri Dhiraj K Wankhede, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

23.08.2018

1. The petitioner has been transferred vide order dated 14.08.2017 from the office of Executive Engineer, PWD, Division No.2, Raipur to the office of the Engineer in Chief, PWD, Raipur.
2. According to the petitioner, subsequent to the issuance of the order of transfer, the petitioner had availed maternity leave up to 16.07.2018 and thereafter due to certain complications she had again gone in medical leave with the approval and sanction of the respondent authorities and is still on medical leave.
3. Learned counsel for the petitioner submits that taking into consideration the medical/health condition of the petitioner and also the fact that the order of transfer has been issued more than one year ago and the petitioner has not joined the office because of the aforementioned reasons, the authorities concerned may not press upon the said order of transfer and may have the liberty to pass a fresh order in the event if administrative exigency so arises at an appropriate time.

4. The counsel for petitioner further submits that the petitioner may be permitted to make a detailed representation to the respondent No.1 in this regard within a period of 15 days from today and the respondent No.1 may take an appropriate decision on the said representation at the earliest.
5. The State counsel opposing the petition submits that the order of transfer is from one office in the city of Raipur to another office in the same city, and therefore, the same may not require much interference at this juncture.
6. Given the facts and circumstances of the case particularly taking into consideration the health and medical condition of the petitioner, the petitioner is granted liberty to make a detailed representation in this regard within a period of 15 days from today and the respondent No.1 in turn, may take a suitable decision taking into consideration the health condition of the petitioner and also keeping in mind the fact that the order of transfer dated 14.08.2017 has till date not been acted upon. Let this exercise be done by the respondent No.1 within a further period of 30 days from the date of receipt of representation of the petitioner.
7. With aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy
Judge