

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 8246 of 2018**

Smt. Amita Shrivastava W/o Shri A. K. Shrivastava Aged About 55 Years
 Supervisor, Women And Child Department, Integrated Child And
 Development Project, Bodla, District- Kabirdham (Kawardha), R/o Mungeli,
 District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Women And Child Department, Mahanadi Bhawan, Naya Raipur, And District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Deputy Secretary Women And Child Department, Mahanadi Bhawan, Naya Raipur And District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. Commissioner Women And Child Development Department, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
4. District Program Officer Women And Child Development Department, Kabirdham District- Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh
5. Child Development Officer Women And Child Development Department, District- Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- **Respondents**

For petitioner	:	Shri A. K. Prasad, Advocate.
For State	:	Shri Chandresh Shrivastava, PL

Hon'ble Shri Justice P. Sam Koshy

Order on Board

12/12/2018

1. The present is a second round of litigation. The challenge by the petitioner is to the order of transfer dated 10/09/2018 whereby the petitioner has been transferred from Bodla, District Kabirdham to Gidam, District Dantewada. The earlier writ petition was disposed off on 20/09/2018 directing the authorities to reconsider the case of the petitioner on the basis of representation that she shall make. The respondents now have reconsidered the case of the petitioner and rejected the representation vide Annexure P-4 dated 26/11/2018.
2. Counsel for the petitioner raising various grounds to assail the impugned order later on confines his arguments to the transfer policy of the State Government pertaining the posting in schedule area. Drawing attention to

the circular, counsel for the petitioner submits since the petitioner has crossed the age of 55 years and at this juncture, it would be proper for sending the petitioner to a schedule area and there are other younger persons available in the department who could have been sent at the transferred place. According to the petitioner this aspect has not been considered by the respondents till date and even while dismissing the representation vide Annexure P-4. Particularly when the policy of the State Government is that after an employee crosses the age of 55 years he or she should normally not be transferred to a Schedule Area.

3. The State counsel on the contrary submits that since the perusal of Annexure P-4 would reveal that the representation of the petitioner has been duly considered and there is no scope of interference. However, he fairly admits that the impugned order Annexure P-4 does not discuss the circular of the State Government so far as the posting of an employee after crossing the age of 55 in scheduled area though he submits that there was no any such specific ground taken in the representation or in the writ petition to be decided nor was it raised before the authorities at the time of personal hearing.
4. This Court is therefore, inclined to dispose off the writ petition on this very ground and the matter therefore stands remitted back to respondent No. 1 to reconsider the case of the petitioner keeping in view the circular of the State Government so far as the posting is concerned where in the circular it is mentioned that the persons who have crossed more than 55 years of age should not be posted in scheduled area.
5. Let the case of the petitioner be considered on this limited aspect by the respondents within a period of 45 days from today and meanwhile the impugned order dated 10/09/2018 shall not be given effect to so far as the petitioner is concerned.
6. Accordingly, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
JUDGE