

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 8415 of 2018

Anupama Tripathi W/o Shri Nirmal Kumar Pandey Aged About 36 Years
R/o Village Bharra Para, Word No. 14 Pendra, District- Bilaspur,
Chhattisgarh, Presently Posted And Working As Supervisor At Department
Of Integrated Child Development Project, Pendra, District- Bilaspur,
Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through- The Secretary, Department Of Women And Child Welfare, Mantralaya, Mahanadi Bhawan, Atal Nagar, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. The Upper Secretary Department Of Women And Child Welfare, Mantralaya, Mahanadi Bhawan, Atal Nagar, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. The Commissioner Bilaspur, Division, Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
4. The Collector Bilaspur District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
5. The Project Officer Department Of Women And Child Welfare, Pendra, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondents

For petitioner	:	Mr. Kalyan Kalamkar, Advocate.
For State	:	Mr. Dhiraj Wankhede,GA

Hon'ble Shri Justice P. Sam Koshy

Order on Board

14/12/2018

1. This is the second round of litigation in respect of the transfer order dated 10/9/2018. First round of litigation was WPS 6266/2018, the writ petition got disposed off on 24/9/2018, while disposing off the writ petition this Court had directed the petitioners preferring the representation against the order of transfer and the respondents in turn were directed to consider the same. Meanwhile, the petitioner was granted the benefit of interim protection.
2. Now vide impugned order respondents have rejected the representation vide order dated 5/11/2018 which led to the present second round of litigation. The issue revolves around the transfer while in service and the Supreme Court as well as this Court in a Catena of decisions by now have settled the issue so far as the

scope of interference by the High Court in a matter where the order of transfer is under challenge.

3. The grievance of the petitioner primarily seems to be that there are many posts lying vacant in the nearby place of posting where the petitioner is presently working. The petitioner could have been accommodated in some of these places but for reasons best known the petitioner is being sent from Pendra, Bilaspur to Shankargarh, Balrampur.

4. Given the facts and circumstances, issue being well settled that so far as the posting and transfer is concerned, it is clearly within the domain and prerogative of the State Government to decide the place of posting, tenure of posting etc. This Court does not find any substantive material holding the impugned order to be bad in law in any manner. Accordingly the present writ petition stands dismissed

5. The only relief which the petitioner can have is of the making further representation to the respondents ventilating his grievance and on such representation being made, the authorities concerned may take into consideration the contents of the representation and decide the same.

6. With the aforesaid observation, writ petition stands dismissed with the following observation.

Rohit

Sd/-
(P. Sam Koshy)
JUDGE