

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.1911 OF 2019**

Kamlawati Singh D/o Ram Singh, Aged About 37 Years Posted As Nayab Tahsildar And Posted At Tamnar, District Raigarh Chhattisgarh.

...Petitioner(s)

Versus

1. State Of Chhattisgarh Through Secretary, Revenue Department Mantralaya Mahanadi Bhawan, Atal Nagar Raipur District Raipur Chhattisgarh.
2. Under Secretary, State of Chhattisgarh, Revenue Department Mantralaya Mahanadi Bhawan, Atal Nagar, Raipur District Raipur Chhattisgarh.
3. Collector, Raigarh, District Raigarh Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Raghvendra Pradhan, Advocate.
For Respondent-State	:	Ms. Shriya Mishra, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

18.03.2019

1. The challenge in this petitioner is to the order of transfer dated 07.03.2019 whereby the petitioner has been transferred from Raigarh to Dantewada.
2. The counsel for the petitioner submits that the impugned order dated 07.03.2019 is not an original order, but is an amended order and the transfer order is dated 20.02.2019 (Annexure P/7) wherein the name of the petitioner was not reflected of being transferred. Thus, the contention of the petitioner is that the transfer has been made only with a malafide intention. Further ground raised by the petitioner is that the petitioner otherwise also has been subjected to frequent transfer, inasmuch as, there has been four previous orders of transfer made within a short span of about 1 and ½ years time. Further ground which the petitioner has raised is that the petitioner as of now is under probation period and the respondents could not have transferred the petitioner during the probation period.
3. The State counsel, on the contrary, submits that the earlier order of transfer referred to by the petitioner is not one which has been issued by

the State Govt., but are orders passed by the competent authority determining only the place of posting which is only an internal posting and the same cannot be considered to be an order of transfer but is only the place of posting being changed. The State counsel further submits that so far as inconvenience or grievance of the petitioner is concerned, she can make an appropriate representation to the State Govt. in this regard ventilating her grievance.

4. Having perused the records of the writ petition what clearly reflects is that, the petitioner was initially appointed in Raigarh District on 17.08.2016 and posted at Raigarh. Subsequently, the petitioner's place of posting stood changed from Raigarh to Lailunga vide order dated 22.12.2017. Having worked at Lailunga for a period of just about 7 months, the place of posting of the petitioner further stood changed from Lailunga to Kharsiya vide order dated 18.07.2018. Having worked at Kharsiya for just less than a months time, the place of posting of the petitioner was again changed from Kharsiya to Sarangarh vide order dated 14.08.2018. The petitioner thereafter in less than about two months time was again subjected to change of place of posting vide order dated 28.01.2019 wherein the petitioner's place of posting was shifted from Sarangarh to Tamnar. All these orders were duly complied with by the petitioner till the impugned order dated 07.03.2019 has been passed.
5. Further, from the record it also reveals that though the petitioner was appointed on 17.08.2016 on probation, the probation period according to the petitioner herself has not been completed and thereby the petitioner as such could not have been transferred during the probation period and that such transfer of the petitioner may have an adverse impact so far as her confirmation on the said post is concerned.
6. Given the aforesaid factual matrix of the case, let the petitioner make a detailed representation to the respondent No.1 in this regard within a

period of 7 days from today and the respondent No.1 in turn shall consider the representation of the petitioner and pass an appropriate order at the earliest preferably within a further period of 30 days. While passing fresh order, the respondent No.1 shall also take in to consideration the necessity of transferring a lady Naib Tehsildar to Dantewada at this juncture.

7. Till the representation of the petitioner is decided by the respondent No.1, it is ordered that the effect and operation of the impugned order dated 07.03.2019 so far as the petitioner is concerned, shall remain stayed.
8. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge