

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.6204 OF 2019**

Somani Mandloi W/o Toshani Kumar Mandloi, Aged About 36 Years R/o Village Ramantola, Police Station/Tehsil/District Mahasamund Chhattisgarh.

...Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary Finance and Industries Department, Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar, District Raipur Chhattisgarh.
2. The Additional Secretary, Finance and Industries Department, Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar, District Raipur Chhattisgarh.
3. The Director, Directorate of Industries Chhattisgarh, Udyog Bhavan, Ring Road No. 01, Telibandha, Raipur District Raipur Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Shantam Awasthi, Advocate.
For Respondent-State	:	Ms. Abhyunnati Singh, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19.08.2019

1. Challenge in the present writ petition is to the order of transfer dated 05.08.2019 passed by the respondents transferring the petitioner from District Business and Industries Centre, Mahasamund to District Business and Industries Centre, Bemetara.
2. The contention of the petitioner is that, the Husband of the petitioner is also a government servant and posted at Mahasamund itself. Contrary to the transfer policy, the two spouses are being transferred to two different locations. Challenge to the transfer order is on the ground that the impugned order shows that it has been made on her own request, however, there has been no request made by the petitioner. The contention of the petitioner is that, immediately thereafter the petitioner had raised an objection to the authorities, who have thereafter passed an order on 07.08.2019 (Annexure P/6) modifying the impugned order dated 05.08.2019 (Annexure P/1) to the extent that it be read as "transfer made

on administrative ground” instead of “on own request”. Further ground that the petitioner has raised is that, she is undergoing some medical ailment for which she requires frequent medical attention and her treatment being held at M.M.I. Hospital, Raipur. Thus, the petitioner should not be disturbed at this stage.

3. Given the aforesaid facts and circumstances of the case, let the petitioner make a fresh representation to the respondent No.1 within a period of 15 days from today and the respondent No.1, in turn, shall consider the entire facts and circumstances of the case and pass an appropriate order within a further period of 45 days. Till the representation of the petitioner is decided by the respondent No.1, the effect and operation of the order dated 05.08.2019 shall remain stayed so far as petitioner is concerned.
4. The present Writ Petition, accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge