

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6680 of 2019

1. Smt. Sheela Dhritlahre, W/o- Shri Deendayal Dhritlahre, Aged About 47 Years, Supervisor, Komakhan, R/o - Komakhan, Tahsil: Kasdol, District: Balodabazar-Bhatapara, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Additional Secretary, Department Of Woman And Child Development, Mahanadi Bhawan New Mantralaya, Naya Raipur Chhattisgarh
2. Commissioner, Women And Child Development, Directorate, Indrawati Bhawan, Naya Raipur Chhattisgarh
3. Collector, Balodabazar-Bhatapara Collectorate Chhattisgarh
4. District Program Officer, Women And Child Development Department, District Balodabazar-Bhatapara, Chhattisgarh
5. Vipin Jain, District Program Officer, Integrated Child Development Department, Palari, District: Baloda Bazar-Bhatapara, Chhattisgarh

---Respondent

For Applicant	:	Mr. Prafull N. Bharat, Advocate.
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For State	:	Mr. Chandresh Shrivastava, Advocate.
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Hon'ble Shri Justice P. Sam Koshy

Order on Board

02.09.2019

1. The challenge in the present Writ Petition is to the order Annexure P-1 dated 21.08.2019, whereby the petitioner has been transferred from Integrated Child Development Project, Sonakhan, District: Balodabazar to Integrated Child Development Project, Sukma, District: Sukma, (C.G.).

2. The challenge is on the ground that the petitioner on one hand issued with a charge-sheet on 13.10.2017 and a departmental enquiry has also been constituted, however, the department in the midst recording evidences. At this juncture, the petitioner is being sent from present place of posting to Sukma, which is a hard core schedule area and is highly inflicted with naxalite activities. Under such situation, forcing the petitioner to attend departmental enquiry frequently travelling from Sukma would be too much of harassment for the petitioner.
3. The Counsel for the Petitioner further submits that the petitioner is a middle aged lady and keeping that in mind the respondent authorities should have considered issuing an order of transfer after the departmental enquiry is concluded that too, if at all if the administrative exigency then required.
4. The State Counsel on the other hand, opposing the petitioner submits that, it is a case of transfer keeping in view the entire facts and circumstances of the case, it is more beneficial in the interest of the petitioner of staying out of district Balodabazar. Taking into consideration the number of complaints that the petitioner has made against the officers of the said district, the order cannot be held to be bad, moreover the order has been made only on administrative exigency.
5. Having heard the contentions put-forth on either side and on perusal of record, considering the only ground that the petitioner is in the midst of a departmental enquiry and the evidences are being

recorded, a middle aged lady travelling from Sukma to Balodabazar would definitely cause great difficulties and also detrimental for the petitioner in depending herself in the departmental enquiry.

6. Given the fact, let the petitioner make representation to the Respondent No. 1 in this regard within 10 days and the Respondent No. 01, in turn shall consider the aforesaid aspect and pass an order within a period of 30 days.
7. The respondent authority should also keep in mind the fact that the inquiry itself can be concluded at the earliest within 1 or 2 months and if required, thereafter can transfer the petitioner without adversely affecting the petitioner in the departmental enquiry which is being conducted against the petitioner. Let appropriate order be passed keeping this in mind.
8. Till a fresh order is passed by the Respondent No. 1, the effect and operation of the impugned order, so far as the petitioner is concerned, shall not be given effect to.
9. Accordingly, the present Writ Petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge