

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7661 of 2019

1. Smt. Geeta Marko, W/o Raj Singh, Aged About 34 Years, Panchayat Secretary, Village Panchayat Patharra, Janpad Panchayat And Tahsil Marwahi, District : Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through - The Secretary, Department Of Panchayat, Mahanadi Bhawan, Naya Raipur, District : Raipur, Chhattisgarh
2. The Collector, Bilaspur, District : Bilaspur, Chhattisgarh
3. Chief Executive Officer, District Panchayat, Bilaspur, District : Bilaspur, Chhattisgarh
4. Chief Executive Officer, Janpad Panchayat, Marwahi, District : Bilaspur, Chhattisgarh
5. Mool Vijay Singh, Aged About 35 Years, Panchayat Secretary, Darmohli, Janpad Panchayat-Marwahi, District : Bilaspur, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Ashok K. Shukla, Advocate
For State	:	Mr. Chandresh Shrivastava, Dy. Adv. Gen.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

24.09.2019

1. The challenge in the present Writ Petition is to the impugned order Annexure P-1 dated 22.08.2019 passed by the Additional Chief Executive Officer, District Panchayat, Bilaspur.
2. The order of transfer shows that the petitioner has been transferred from Patharra to Darmohli. The reason for making transfer is complaint against the petitioner.

3. The specific contention of the petitioner is that, the petitioner has not been informed of any complaint ie., alleged complaint made against her. No explanation whatsoever was called for or any disciplinary proceedings was made by the authorities and in the absence of any such decision taken by the authorities in the department, the transfer of petitioner is a stigma in the service career of the petitioner.
4. Considering the ground that the petitioner has made/raised, this Court is of the opinion that in the event, if there has been any complaint received against the petitioner, the authorities ought to have taken a decision and thus after having served the complaint to the petitioner and seeking explanation from her. Only then should have decided what steps have to be taken. Such steps, *prima-facie* seems to have not been conducted by the authorities. Accordingly, the order passed by the authorities transferring the petitioner from one place to another on complaints is against the transfer policy.
5. Let the petitioner make a representation within 10 days to the Respondent No. 3 and the Respondent No. 3 in turn shall take into consideration the nature of complaint that have been leveled against her and call upon the petitioner to explain and only thereafter pass appropriate order within a period of 30 days.
6. Till the representation of the petitioner is decided, the impugned order, so far as the petitioner having been transferred on the basis of complaint shall not be given effect to.
7. Accordingly, the present Writ Petition stands disposed-off.

Sd/-
(P. Sam Koshy)
Judge