

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 9191 of 2019**

- Konika Rai Bajpayee W/o. Shri Deepak Bajpayee Aged About 37 Years Currently Posted As Peon, Class-Iv Employee, Public Health Engineering, Block Jagdalpur, R/o. Motilal Nehru Ward, Naya Para, Bastar Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through Its Additional Secretary Of Department Of Public Health Engineering, Chhattisgarh Rajya Mantralaya, Mahanadi Bhavan P.S.- Mandir-Hasaud, Naya Raipur Chhattisgarh
2. Superintendent Engineer Public Health Engineering, Jagdalpur District -Bastar Chhattisgarh
3. Anila Mukharjee Currently Posted As Peon, Class-IV Employee, Presently Posted At Public Health Engineering, Block Kondagaon District Kondagaon

---- Respondents

For Petitioner : Shri Pallav Mishra, Advocate

For Respondents/State : Shri Sudhir Sahu, PL

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****11/11/2019**

1. Heard.
2. The grievance of the petitioner is that the petitioner has been transferred from the office of Executive Engineer, PHE, Jagdalpur to the office of Executive Engineer, PHE, Kondagaon. It is contended that in the remark column it is mentioned that the petitioner has opted voluntary transfer as against respondent No.3, however, no such application has been filed. It is further contended that the seniority of the petitioner is maintained district wise and by

transfer from one district to another district, her seniority would be affected as also the promotional avenue shall also be affected as the promotions are made by the District Promotion Committee. Therefore, the petitioner has made a representation that the transfer of the petitioner being against the policy of the State, the same may be canceled.

3. Perused the documents.
4. The petitioner claims that she has not made any application for mutual transfer with respondent No.3. This factual dispute has been raised. It is further contended that the transfer of the petitioner would affect the seniority of the petitioner. Considering the given circumstances, this factual aspects are to be ascertained, it is directed that the petitioner shall be at liberty to make afresh representation in this regard within a period of 15 days from today before the respondent No.1 and the said respondent in turn shall consider and decide the same in accordance with the transfer policy at the earliest preferably within a further period of 45 days. Till the representation of the petitioner is decided, the transfer of the petitioner shall not be given effect to, if it has not been carried out till date.
5. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge