

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 9441 of 2019**

- Smt. Smita Shukla, W/o Shri Sanjeev Kumar Shukla, Aged About 53 Years, Supervisor, Integrated Women And Child Development Department, Posted In Kota, Block Kota, District Bilaspur, Civil And Revenue District Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Women And Child Development Department, Mahanadi Bhavan, Mantralay, New Raipur, Chhattisgarh.
2. The Director Women And Child Development Department, Indrawati Bhavan, 4th Floor, New Raipur, Chhattisgarh.
3. The District Program Officer Integrated Women And Child Development Department, Bilaspur, District Bilaspur, Chhattisgarh.
4. The Project Officer Kota, District Bilaspur, Chhattisgarh.

---- Respondents

For Petitioner : Shri Manoj Kumar Sinha, Advocate

For Respondents/ State : Ms. Richa Shukla, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****26/11/2019**

Heard.

1. This is second round of litigation on the grievance of the petitioner that the petitioner was transferred from Integrated Women and Child Development Department Project Kota, District Bilaspur to Integrated Women and Child Development Project Baderajpur, District Kondagaon. The petitioner had

challenged the same in the earlier round of litigation in WPS No. 6676 of 2019 wherein this Court on 30.08.2019 has passed the following orders:

1. The challenge in the present writ petition is to the order Annexure P-1 dated 21.08.2019. Vide the impugned order, the petitioner has been transferred from Integrated Women and Child Development Department Project Kota, District Bilaspur to Integrated Women and Child Development Project Baderajpur, District Kondagaon.

2. The challenge is on the ground that the husband and wife are working nearby place and therefore, the petitioner should have been accommodated as far as possible near by the place where petitioner's husband is working. However, vide the impugned order, the petitioner has been sent to a place which is more than 300 Km. away from the present place of posting. Contention of the counsel for the petitioner is that the transfer of the petitioner is contrary to the transfer policy of the State Govt. whereby certain protections have been granted to those employees whose spouses are working under the State Govt.

3. Given the aforesaid facts and circumstances of the case, let the petitioner make a detailed representation to the respondents within a period of 10 days from the date of receipt of certified copy of this order and the respondents in turn shall consider the same within a further period of 45 days from the date of receipt of the representation.

4. Till the representation of the petitioner is decided, the effect and operation of the impugned order so far as the petitioner is concerned shall remain stayed.

5. The writ petition accordingly stands disposed of.

2. Learned counsel for the petitioner submits that representation has now been decided by order dated 11.11.2019, however, the ground raised in the representation in terms of the order passed by this Court mechanical order has been passed.

3. Learned State counsel was directed to seek instructions on earlier date i.e. on 19.11.2019, as on today also instructions is still awaited.
4. Considering the earlier order and after perusal of the decision of the representation dated 11.11.2019, State is further directed to reconsider the representation of the petitioner by a speaking order whereby the ground have been urged that the husband of the petitioner is working at Education Department, Mungali and further medical ground also been averred in the application/ representation of the petitioner. Considering the same the representation of the petitioner may be decided a fresh by a speaking order within a period of 45 days from today, till then the transfer order of the petitioner if it has not been carried out, shall not be given effect to.
5. Accordingly, the petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Jyoti