

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 9888 of 2019**

- Smt. Sharda Deshmukh, W/o Shri Sharad Kumar Deshmukh, Aged About 60 Years, 05 Months, Posted As Supervisor, In The Office Of The Akikrit Bal Vikash Pariyojna Sarkanda Belha-2 Bilaspur. R/o Sr.M.I.G.-12, Opposite The Nairson, Telephone Exchange Road Rajkishore Nagar Bilaspur, Tahsil And District Bilaspur, Chhattisgarh. Pin 495004, Mobile- 9827947781

**---- Petitioner****Versus**

1. State Of Chhattisgarh, Through The Secretary, Woman And Child Development Department, Mahanadi Bhawan, Nava Raipur Atal Nagar District Raipur, Chhattisgarh. Pin 492001.
2. Commissioner Woman And Child Development Department, Directorate, Indrawati Bhawan Nava Raipur Atal Nagar, District Raipur, Chhattisgarh. Pin 492001.
3. District Program Officer Bilaspur/ District Woman And Child Development Officer Bilaspur Tahsil And District Bilaspur, Chhattisgarh. Pin 495001.
4. District Collector Bilaspur Collectorate Bilaspur, Tahsil And District Bilaspur, Chhattisgarh. Pin 495001.

**---- Respondents**


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| For Petitioner         | : | Shri Vijay K. Deshmukh, Advocate |
| For Respondents/ State | : | Ms. Richa Shukla, Dy. G.A.       |

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**Hon'ble Shri Justice Goutam Bhaduri****Order On Board****02/12/2019**

Heard.

1. This is second round of litigation. The petitioner has been transferred from Sarkanda Belha-2, Bilaspur to Kusmi District Balrampur. The same was subject of challenge in the earlier round of litigation in WPS No. 6990 of 2019. This Court on 09.09.2019 has passed the following orders:-

- 2.The contention of the petitioner is that the petitioner is

more than 60 years of age and is to retire in June, 2021. According to the petitioner, since she is more than 60 years of age, at this juncture, she should not have been transferred to a scheduled area as the same is in violation of the transfer policy which clearly holds that the persons who are more than 55 years of age as far as possible should not be transferred to a scheduled area.

3. Given the aforesaid facts, let the petitioner make a detailed representation to the respondents within 10 days from today and the respondents in turn shall consider the same within a 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. With the aforesaid observation, the writ petition stands disposed of.

2. Thereafter, the representation of the petitioner has been dismissed by order dated 11.11.2019. It is contended that the representation of the petitioner has been decided without any application of mind as, it does not disclose any reason for dismissing the representation. Whereas, the petitioner claims that she is more than 55 years of age and according to the transfer policy she should not be transferred to scheduled area. Therefore, the transfer should be cancelled.

3. Perusal of Clause 1.5 of the transfer policy only contemplates that persons/ ladies who are aged about 55 years as far as possible may not be posted in the core Scheduled area, whereas Balrampur appears to be only Scheduled area.

4. Considering the same, I do not find any reason to interfere in the order of rejecting the representation (Annexure P-11). Further, transfer being incident of service, unless and until it is malafide or illegal on the face of it, the transfer do not call for any interference.

5. Further considering the prayer of the petitioner that the petitioner is aged about 60 years, the petitioner shall be at liberty to make an application to the concern respondent to change her place of transfer. If such application is made, it would be open to the government to decide the same.
6. With the above observation, the petition stands disposed of.

Sd/-

Goutam Bhaduri  
Judge

Jyoti