

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 10372 of 2019

Shweta Pandey W/o Ravi Prakash, Aged About 29 Years At Present Hostel
Superintendent, Pre Matric Scheduled Caste Girls Hostel, Kharod, Tahsil
Pamgarh, District Janjgir Champa Chhattisgarh.
--- **Petitioner**

Versus

1. State of Chhattisgarh through the Secretary, Department of Scheduled Caste and Scheduled Tribe Development, Mahanadi Bhawan, Mantralaya, Post And Ps Mandir Hasaud, Raipur Chhattisgarh.
2. Commissioner, Scheduled Caste And Scheduled Tribe Development, Raipur Block 4 Ground Floor, Indrawati Bhawan, Atal Nagar, Raipur District : Raipur, Chhattisgarh
3. Collector, Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
4. Assistant Commissioner, Tribal Development District Janjgir Champa Chhattisgarh
5. Shivani Keshar, W/o Dr. Yatendra Pratap Markam, Aged About 31 Years R/o Ring Road No. 2, Shanti Nagar, Gali No. 5, Police Station Civil Lines, Bilaspur District Bilaspur Chhattisgarh.
--- **Respondents**

For the Petitioner : Miss. Sharmila Singhai, Advocate

For the State/Respondents : Mrs. Richa Shukla, Dy. Govt. Advocate.

For respondent No.5 : Mr. Chetan Kumar, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

10-12-2019

1. The grievance of the petitioner that she is working as Hostel Superintendent and earlier she was transferred from Pre-Metric Scheduled Caste Girls Hostel, Tilai, Vikas Khand Akaltara to Pre Metric Scheduled Caste Girls Hostel, Kharaud, Vikas Khand Pamgarh. Consequently the petitioner assumed the charges on 22.07.2019 and is working there. It is stated that subsequently

another transfer order has been issued on 22nd August 2019 whereby respondent no.5 Shivani Keshar has been transferred to the place of petitioner. However, the transfer of the petitioner has not been modified or changed till date. It is further contended that the petitioner has assumed the charges on 22.07.2019 and therefore, she cannot be frequently transferred to other place to just accommodate respondent no.5.

2. Learned counsel for the State would submit that the petitioner was transferred on his own accord whereas respondent no.5 has been transferred on administrative exigency.
3. Counsel for respondent no.5 submits that respondent 5 has assumed the charges on 06.12.2019.
4. a perusal of the document would show that by order dated 12.07.2019, the petitioner was transferred from girls hostel Tilai Vikas Khand Akaltara to girls hostel Kharaud, Vikas Khand Pamgarh and the communication letter dated 22.07.2019 would show that the petitioner has assumed the charges and was directed to comply certain orders meaning thereby she is working at the post. There is nothing on record to show that the subsequent transfer order was amended. The transfer of the petitioner was effected in the month of July 2019 and she assumed the charges on 22nd July, 2019. If it is obvious that subsequent order of transfer is made then it may be within the ambit of the frequent transfer in a short period of time. The petitioner appears to have been working at the place of transfer and as per the Fundamental Rule 12, two persons cannot be posted at one place.
5. The petitioner is given liberty to make a representation before the

Grievance Redressal Committee within a period of 15 days. Respondent no.5, if so advised, may also file the representation. Thereafter, the Grievance Redressal Committee may further pass the order within a period of 60 days. In the meanwhile, the petitioner shall not be forced to leave or hand over the charge pursuant to the fact that the other person has been transferred in her place.

6. With the aforesaid direction, the writ petition stands disposed of.

**Sd/-
GOUTAM BHADURI
JUDGE**