

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 788 of 2020

Smt. Sushma Namdeo W/o Shri Rajeshwar Lal Namdeo Aged About 60 Years Presently Posted As- Supervisor, Integrated Child Development Project, Sarkanda, Bilha-2, District- Bilaspur, Chhattisgarh Pin Code- 495006 R/o- MIG-II/04, Nutan Enclave Colony, Nutan Chowk, Sarkanda, District- Bilaspur, Chhattisgarh Pin Code- 495006.

---- Petitioner

Versus

1. State Of Chhattisgarh Through- Secretary, Department Of Women And Child Development, Government Of Chhattisgarh, Mantralaya, Mahanadi Bhawan, Naya Raipur, Atal Nagar, District- Raipur, Chhattisgarh Pin Code-492001
2. Secretary Department Of Women And Child Development, Government Of Chhattisgarh, Mantralaya, Mahanadi Bhawan, Naya Raipur, Atal Nagar, District- Raipur, Chhattisgarh Pin Code-492001
3. Secretary And Co- Ordinator Committee Of Senior Secretaries, Department Of General Administration, Mantralaya, Mahanadi Bhawan, Naya Raipur, Atal Nagar, District- Raipur, Chhattisgarh Pin Code-492001

---- Respondents

For Petitioner	: Shri P. Acharya, Adv.
For State	: Ms. Richa Shukla, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.02.2020

1. This is a second round of litigation.
2. The petitioner vide order dated 21.08.2019 was transferred from Integrated Child Development Project Sarkanda, Bilha-2 Bilaspur to Integrated Child Development Project, Ambagarh Chowki, Rajnandgaon.
3. The said order dated 21.08.2019 was subject of challenge in WPS No. 7499/2019 whereby this Court on 18.09.2019 has passed the following order:-

“1. The challenge in the present writ petition is to the order Annexure P-1 dated 21.08.2019 whereby the petitioner

has been transferred from Integrated Child Development Project, Sarkanda, Bilha -2 Bilaspur to Integrated Child Development Project, Ambagarh Chowki, Rajnandgaon.

2. The ground of the challenge is that the petitioner is seriously ill and undergoing the treatment of the Apollo Hospital in Bilaspur. Considering the medical condition of the petitioner and also the fact that the petitioner has reached, more than 60 years of age with less than two years left for her superannuation, her case may be considered sympathetically by the respondent No. 1.

3. Given the facts & circumstances of the case, let the petitioner make a detailed representation in this regard to the respondents within a period of 10 days from the date of receipt of copy of this order who, in turn, shall consider and decide the same at the earliest preferably within a further period of 45 days. Till the representation of the petitioner is decided, the effect and operation of the impugned order shall remain stayed so far as the petitioner is concerned.

4. The writ petitioner accordingly stands disposed of.”

4. Learned Counsel for the Petitioner would submit that the Petitioner is more than 60 years of age with less than two years left for her superannuation and she is also suffering from severe ailment and is undergoing treatment for different ailment at Apollo Hospital in Bilaspur. For medical treatment reference is made to the documents filed with the present writ petition. Learned Counsel for the Petitioner would further submit that the husband of the Petitioner is also suffering from partial paralysis on the left side of body and he is also undergoing his treatment at the Apollo Hospital in Bilaspur. Likewise, the mother-in-law of the Petitioner is also under treatment for her heart disease so also the father-in-law of the petitioner who is terminally ill and the Petitioner has to look after her family members also.

5. Learned Counsel for the Petitioner, going through the various documents, would submit that, under the given circumstances, looking to the age of the Petitioner who is at the verge of her retirement and also taking into consideration her medical condition,

transfer of Petitioner too far place may have an adverse impact on her health so also her family members would also get suffered on her transfer to a place where the medical facilities may not be as good as compared to her present place of posting. He would further submit that while deciding the representation of the petitioner the said grounds were not specifically considered by the respondent authorities.

6. Learned Counsel for the State however would submit that the impugned order has been passed considering all the grounds as raised by the Petitioner in her representation and the same therefore does not warrant any interference.
7. From the perusal of the impugned order of rejection of the representation, it clearly reflects that the grounds of medical ailment of the family members of the Petitioner have been specifically considered by the respondents. However, transfer of the Petitioner has not been cancelled, on the ground that the transfer was done under the administrative exigency.
8. After having considered all the grounds raised by the Petitioner in her representation, if the respondent authorities came to the conclusion that the transfer of the Petitioner was in administrative exigency and was an incident of service under, the interference of this Court is not called for at this juncture.
9. The writ petition is dismissed accordingly.

(Goutam Bhaduri)
Judge