

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1069 of 2020

Jaishri Namdeo W/o Shri Kaushal Namdeo Aged About 56 Years Working As Supervisor Women And Child Development Department, Posted At Office of The Project Officer, Integrated Child Development, Project, Seepat, Block Masturi, District Bilaspur Chhattisgarh. **--- Petitioner**

Versus

1. State of Chhattisgarh through the Secretary, Women and Child Development Department, Mahanadi Bhawan, Nava Raipur, Atal Nagar, District Raipur Chhattisgarh.
2. Secretary General Administration Department And Chairman, Committee Of Senior Secretary / Transfer Committee, Mahanadi Bhawan, Nava Raipur Atal Nagar, District Raipur Chhattisgarh.
3. Commissioner Women and Child Development Department, Indravati Bhawan, Nava Raipur, Atal Nagar, District Raipur Chhattisgarh.
4. District Program Officer Department of Women And Child Development, District Bilaspur Chhattisgarh.
5. Project Officer Integrated Child Development Project, Seepat, Block Masturi, District Bilaspur Chhattisgarh. **--- Respondents**

For the Petitioner	:	Mr. Abhishek Pandey, Advocate
For Respondent/ State	:	Mr. Kunal Das, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19.02.2020

1. This is second round of litigation. The petitioner who is working as Supervisor in Integrated Child Development Seepat (Masturi-2) was transferred to Integrated Child Development Project Ambikapur Rural, Distt. Surguja by the impugned order which was subject of challenge in WPS No.8481/2019 wherein this Court on 16.10.2019 has passed the following order:

1. The case of the petitioner is that she has been transferred from Child Integrated Development Project, Seepat, Masturi to Child Integrated Development Project, Ambikapur, Surguja. It is contended that the husband of the petitioner is suffering from critical kidney disease and he needs medical support. Learned

counsel refers to various documents to show that the eye sight of husband has also been affected from the disease, therefore, the transfer order of the petitioner may be reconsidered/ cancelled.

2 Perused the various documents and medical documents. Considering the fact that the representation has already been made by the petitioner to the Secretary by Annexure P-4, the Secretary may decide the same within a further period of 45 days from the date of receipt of copy of this order.

3. Taking into the fact and the medical document of the husband of the petitioner, till the representation is decided, the transfer order of the petitioner, if not carried out, shall not be given effect to.

4. Accordingly, the writ petition stands disposed of.”

2. Learned counsel for the petitioner would submit that instead of representation being decided by the Grievance Redressal Committee, it has been decided by the Secretary and as per the direction of the State, it is the Grievance Redressal Committee to decide the representation against the transfer and at present, the representation before the Grievance Redressal Committee is still pending but it has been dismissed by the Secretary, Department of Women and Child Development by order dated 03.02.2020 (Annexure P-1), therefore, the said order may be set aside.
3. Learned State Counsel opposes the prayer of the petitioner.
4. Perused the earlier order. While the earlier order was passed in WPS No.8481/2019 it was submitted that the representation has been made to the Secretary, Women and Child Development, therefore, the Secretary having decided the representation has considered the medical ground which was urged by the petitioner. The medical ground of the petitioner was was not acceded to.
5. It is well settled law that the transfer of a Government Servant appointed to a particular cadre of transferable post from one place to the another is an incident of service, which cannot lightly be interfered with by Courts unless it is shown

to be clearly arbitrary or visited by mala-fide or infraction of any prescribed norms of principles governing the policy of transfer. No Government servant or employee of Public undertaking has legal right for being posted at any particular place.

6. In view of the above settled legal position, I am not inclined to interfere with the impugned transfer order. Accordingly, this petition is dismissed.

**Sd/-
(GOUTAM BHADURI)
JUDGE**

R a o