

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 207 of 2020**

*{Arising out of order dated 05.02.2020 passed by the learned Single Judge in Writ
Petition (S) 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 (C.G.). Pin Code 495006. R/o MIG - II/04,
Nutan Enclave Colony, Nutan Chowk, Sarkanda, District Bilaspur (C.G.) Pin
Code - 495006.

---- Appellant**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 (C.G.). Pin Code 492001.
2. Secretary, Department of Women and Child Development, Government of
Chhattisgarh, Mantralaya, Mahanadi Bhawan, Naya Raipur, Atal Nagar, District
- Raipur (C.G.). Pin Code 492001.
3. Secretary & Co-Ordinator, Committee of Senior Secretaries, Department of
General Administration, Mantralaya, Mahanadi Bhawan, Naya Raipur, Atal
Nagar, District - Raipur (C.G.). Pin Code-492001.

---- Respondents

For Appellant	:	Shri K. Rohan, Advocate.
For Respondent/State	:	Shri Gagan Tiwari, Deputy Government Advocate.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice
Hon'ble Shri Justice Parth Prateem Sahu, Judge

Judgment on Board

Per Parth Prateem Sahu, Judge

28.02.2020

1. Challenge in this appeal is to the order dated 05.02.2020, whereby the writ Petition seeking relief of quashment of the order dated 27.01.2020 passed by Respondent No. 1 was dismissed.
2. The Petitioner against her order of transfer from Integrated Child Development Project Sarkanda, Bilha-2, Bilaspur vide order dated 21.08.2019 has filed Writ Petition (S) No. 7499 of 2019 and the learned Single Judge taking into consideration grounds raised by the Appellant has directed to file a representation before the competent authority and also further directed, the representation to be decided within a further period of 45 days and till then the order of transfer of Appellant was stayed.
3. Pursuant to the order passed by the learned Single Judge in Writ Petition (S) No. 7499 of 2019, the Appellant has submitted a representation before the competent authority which came to be dismissed vide order dated 27.01.2020 stating therein that the transfer order has been passed on the administrative ground and there is no violation of the transfer policy. The rejection of the representation filed by the Appellant made her to file second writ petition before this Court bearing Writ Petition (S) No. 788 of 2020 which came to be dismissed by impugned order dated 05.02.2020.
4. The learned counsel for the Appellant submits that the authority before whom the representation was made had not considered the ground raised by the Appellant in objective manner. It is also pointed out that the mother-in-law, husband and Appellant herself is suffering from different medical ailment and

regularly taking treatment with the Apollo Hospital, Bilaspur. It is also pointed out that Appellant herself is a senior citizen. The learned counsel submits that the post in nearby place is also vacant and the authorities can very well consider her request of modification of transfer order. She is not making a prayer for cancellation of her order of transfer, but only to accommodate her to nearby place looking to the medical problems of herself and her family members. It is pointed out that one post at Masturi is vacant and she can be accommodated there.

5. Per contra, the learned counsel for the State submits that the transfer order has been passed on administrative ground and authorities while considering the representation of the Appellant has taken note of this fact and on that ground only her representation was dismissed. He also submits that the Appellant can make a fresh representation before the competent authority mentioning the grounds raised in appeal also mentioning the vacant post available and the authority will consider her representation in accordance with law.
6. We have heard the learned counsel for the parties.
7. The Appellant has filed medical documents alongwith writ petition of all the three, *i.e.* mother-in-law, her husband and herself. Age of mother-in-law is shown as about 80 years in the documents. Appellant herself is a senior citizen more than 60 years of age. Taking note of the grounds raised by the Appellant in her writ petition and writ appeal supported by medical documents, the Appellant is a Class-III female employee aged about more than 60 years, in the peculiar facts of the case, we deem it fit and proper to direct the Respondent authority to consider and decide the representation of the Appellant a fresh.
8. Let the Appellant file a fresh representation alongwith copy of the writ petition, with document and writ appeal before the competent authority within a period of

15 days. The competent authority in turn will decide the same within further period of two weeks in an objective manner taking humanitarian and pragmatic approach of the grounds raised by the Appellant.

9. The learned counsel for the Appellant at this stage submits that the Appellant is still working on earlier placing of posting *i.e.* Integrated Child Development Project Sarkanda, Bilha-2, Bilaspur and prays that the interim protection may be granted to her till the representation is decided by the competent authority. If the Appellant is still working on her earlier place of posting Integrated Child Development Project Sarkanda, Bilha-2, Bilaspur than the *status-quo* on posting of the Appellant shall be maintained till the decision of her representation.
10. In view of the above, the writ appeal stands disposed off.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge