

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1658 of 2020**

- Ku. Vijayaa Singh D/o Sahdev Singh Aged About 51 Years R/o Village- Devri Khurd, Near Satbahniya Mandir, Behind Church, District- Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Woman And Child Welfare Department, Mantralaya, Atal Nagar, New Raipur, Chhattisgarh
2. The Under Secretary Woman And Child Welfare Department, Mantralaya, Atal Nagar, New Raipur, Chhattisgarh
3. Commissioner Directorate, Woman And Child Welfare Department, Indrawati Bhawan New Raipur, Chhattisgarh
4. Collector, District- Janjgir-Champa, Chhattisgarh
5. District Program Officer Woman And Child Welfare Department, District- Janjgir-Champa, Chhattisgarh

---- Respondents

For Petitioner : Shri Alok Pandey, Advocate

For Respondents/State : Ms. Akanksha Jain, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****12/03/2020**

1. Heard.
2. This is the second round of litigation. The petitioner was earlier transferred from Integrated Child Development Service Project, Janjgir-Champa to Integrated Child Development Service Project, Basna, District Mahasamund by order dated 08.11.2019 and the same was subject of challenge in WPS No.10333 of 2019, wherein this Court on 02.01.2020 has passed the following order:-

- “1. The grievance of the petitioner is that the petitioner is working as Supervisor in Integrated Child Development Service Project, Janjgir Champa and has been transferred to Integrated Child Development Service Project, Basna, Distt. Mahasamund by impugned order dated 08.11.2019 wherein her name finds place at Sl.No.50. The said order is under challenge in this writ petition.
 2. It is stated that initially the petitioner was initially appointed as Supervisor at ICDS project Surangpali, Distt. Jashpur by order dated 03.07.2010 and thereafter she was transferred to Malkharoda Distt. Janjgir Champa. On 27.07.2015 she was transferred to ICDS Center, Bamnidih, Distt. Janjgir Champa and thus in between 03.05.2010 and 8.11.2019 within a period of 9 years she was transferred and posted at different places and was assigned several responsibilities including the task of conducting training programmes for the new members which she has performed successfully without there being any complaint or adverse remark whatsoever. Learned counsel further submits that the petitioner is unmarried lady and lives with her ailing parents who became old and infirm and now they are aged about 75 to 78 years. Therefore, at this stage, the age-old parents are dependent on the petitioner and the transfer to a distant place of more than 250 Kms., would cause extreme difficult to support her parents as the petitioner is unmarried and looking after the entire family.
 3. Perused the documents. Considering the voluminous documents annexed to the petition which mainly purports the suffering of the old parents of the petitioner besides the grievance of the petitioner that earlier she was transferred and posted at several places, this writ petition is disposed off with an observation/direction that the petitioner may make a fresh representation to the Additional Secretary, Govt. of Chhattisgarh, Women and Child Development Department, within a period of 15 days from the date of receipt of this order and on such representation being filed, the same shall be considered and decided by the concerned Authority within a further period of 45 days.
 4. In the mean-while, the impugned transfer order so far as it relates to the petitioner shall not be given effect till the representation of the petitioner is decided.”
3. Learned counsel for the petitioner would submit that thereafter the petitioner has made a representation and the representation has been decided on the ground other than projected in the representation as such there is non application of mind. He would further submit that furthermore the name and place of posting of the petitioner have wrongly been mentioned in the transfer order which also shows that without any verification of facts, the transfer order

has been passed.

4. Per contra, learned State counsel opposes the arguments advanced by learned counsel for the petitioner.
5. Perused the documents. During the course of arguments it is been stated that the petitioner is working at Janjgir-Champa since 2015. Having regard to the same, no legal ground is made out to interfere with the transfer order. Transfer being the incidence of service, which cannot lightly be interfered with by Courts unless it is shown to be clearly arbitrary or visited by malafide or infraction of any prescribed norms of principles governing the policy of transfer which causes serious prejudice and the State would be in a better position to decide the administrative exigencies.
6. Accordingly, the petition is dismissed.

Sd/-
Goutam Bhaduri
Judge

Ashu