

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2795 of 2020**

- Smt. Satya Chelkar W/o Shri Manish Chelkar Aged About 30 Years Resident Of C/o J.P. Dheeraj, Nagar Nigam Colony, Bhartiya Nagar, Bilaspur , District Bilaspur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Under Secretary, Urban Administration And Development Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, New Raipur Chhattisgarh
2. The Commissioner Municipal Corporation, Bilaspur , District Bilaspur Chhattisgarh
3. The Collector Bilaspur , District Bilaspur Chhattisgarh
4. The Chief Municipal Officer Nagar Panchayat. Tifra, District Bilaspur Chhattisgarh
5. The Principal Devkinandan Nagar Nigam Girls Higher Secondary School, Bilaspur Chhattisgarh
6. The Director Directorate Of Urban Administration And Development, Indravati Bhawan, Fourth Floor, Block Four, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh

---- Respondents

For Petitioner : Shri K.K. Pandey, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri**Order****17/07/2020**

1. Heard.
2. Earlier the petitioner was transferred from Government Girls Higher Secondary School, Gobranawapara, District Raipur to Tifra School, Bilaspur by order dated

09.09.2019. Pursuant to the said transfer order, the petitioner gave her joining on 18.09.2019 before the Chief Municipal Officer, Nagar Panchayat, Tifra, however, the charge was not given to her, therefore, she filed a writ petition bearing WPS No.10120 of 2019, wherein this Court on 04.12.2019 has passed the following order:-

“2. The grievance of the petitioner is that the petitioner has been transferred from Government Girls Higher Secondary School, Gobranawapara, District Raipur to Tifra School. It is stated that the petitioner was relieved on 16.09.2019. Subsequently, she gave her joining on 18.09.2019. However, the charge has not been given to the petitioner.

3. Prima facie, the document would show that in compliance to the transfer order, the petitioner was relieved thereafter gave her joining to the transferred place. Whether any work is taken from the petitioner or not, it is the respondent No.2 who is to decide the same. This Court in the writ jurisdiction cannot direct to avail a particular work/job from the particular employee of an institution. Prima facie, no dereliction of duty appears on the part of the petitioner, instead it appears that the petitioner has complied the transfer order and has given the joining and since the petitioner has given the joining at the transferred place, irrespective of the fact whether the petitioner is assigned any work or not, it is directed that the salary and the other emoluments payable to the petitioner shall be duly paid without any obstruction.

4. With the aforesaid observation, the writ petition stands disposed of.”

3. Learned counsel for the petitioner would submit that subsequently, thereafter, the petitioner is being paid the salary, however, she has not been assigned any job to discharge. He would further submit that as per Annexure P-5 two posts of Lecturer Zoology (Nagriya Nikay) are vacant in the Devkinandan Girls Higher Secondary, School Bilaspur, therefore, he would pray that the representation of the petitioner (Annexure P-7) which has been given to the Commissioner, Municipal Corporation, Bilaspur, may be directed to be decided.

4. Since it is not within the domain of this Court to pass an order with respect to assigning a particular work to a particular employee, therefore, under the background of this case, since the petitioner has made a representation Annexure P-7 to the Commissioner, Municipal Corporation, Bilaspur, it is directed that the Commissioner shall decide the representation of the petitioner which is pending at their end within a period of 60 days from the date of receipt of the copy of this order.
5. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu