

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2984 of 2020**

- Smt. Archana Kujur W/o Babu Lal Kujur Aged About 39 Years
R/o Saal Parisar, Forest Colony, Quarter No. 107, Pratappur
Naka, Ambikapur District Surguja Chhattisgarh, District :
Surguja (Ambikapur), Chhattisgarh

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of
Forest, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa
Raipur District Raipur Chhattisgarh, District : Raipur,
Chhattisgarh
2. Principal Chief Conservator Of Forest Aranya Bhawan, Sector-
19, North Block, Atal Nagar, Nawa Raipur, District Raipur
Chhattisgarh, District : Raipur, Chhattisgarh
3. Upper Principal Chief Conservator Of Forest Aranya Bhawan,
Sector-19, North Block, Atal Nagar, Nawa Raipur District
Raipur Chhattisgarh, District : Raipur, Chhattisgarh
4. Chief Conservator Of Forest (Wild Life) And Regional Director
(Elephant Reseve), Surguja Forest Circle Ambikapur District
Surguja Chhattisgarh, District : Surguja (Ambikapur),
Chhattisgarh
5. Chief Conservator Of Forest Surguja Forest Circle Ambikapur
District Surguja Chhattisgarh, District : Surguja (Ambikapur),
Chhattisgarh
6. Shri Ashutosh Mishra At Present Posted In The Office Of Chief
Conservator Of Forest, Surguja Forest Circle Ambikapur
District Surguja Chhattisgarh, District : Surguja (Ambikapur),
Chhattisgarh

---- **Respondents**

For petitioner : Mr. Keshav Prasad Gupta, Advocate.

For State ; Ms. Richa Shukla, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri
Order

5-8-2020

1. Heard.
2. Learned counsel for the petitioner would submit that the petitioner was initially placed at Elephant Reserve, Surguja from the time of inception of her services. Subsequently, she was promoted on 1-7-2020 and she was transferred from Elephant Reserve, Surguja and was posted at Chief Conservator of Forest, Ambikapur.
3. It is contended that the petitioner has taken charge at Chief Conservator of Forest, Surguja on the same day and executed such transfer vide Annexure P/2. Subsequently, the impugned order of transfer dated 4-7-2020 (Annexure P/4) has been passed within a period of few days wherein the petitioner has been posted at Chief Conservator of Forest, Bilaspur. It is further contended that the petitioner has already executed earlier transfer order dated 1-7-2020, therefore, within short span of time, she cannot be again transferred to other place. It is further submitted that the petitioner has four years old baby, therefor, transfer of the petitioner from Surguja to Bilaspur in the pandemic period may cause erroneous problem to the petitioner.
4. On the other hand, learned State counsel opposes the arguments and submits that it is not a transfer and it is

actually posting order within the same block from one place to another. Subsequently, there is no change of place and the petitioner has already served five years at one place and thereafter she was promoted and transferred from one place to another within the same block.

5. It is not in dispute that the petitioner after promotion was transferred from Elephant Reserve, Surguja to Chief Conservator of Forest, Ambikapur. The order dated 1-7-2020 (Annexure P/2) would show that after promotion on temporary basis, the petitioner was posted at Chief Conservator of Forest at Ambikapur, thereafter by the impugned order dated 4-7-2020 (Annexure P/4) she has been transferred from Surguja to Bilaspur. It is not in dispute that initially the petitioner was posted at Surguja.
6. Perused the documents. Considering the fact that the placement of the petitioner is within the same Block from one place to another, I do not find any illegality in the order to interfere. The transfer being the incident of service, it is the State Government which would decide whether the particular person has to be placed or posted. Unless and until the transfer shock the conscience of the Court for any reason of illegality or arbitrariness, normally the interference of the court is not called for unless facts are shown otherwise.

7. Accordingly, the petition is dismissed. However, the petitioner shall be at liberty to make a representation to respondent No.2, if so advised.

Sd/-

(Goutam Bhaduri)
Judge

Raju