

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3981 of 2020**

- Savita Tandan W/o Satish Chandra Aged About 40 Years Occupation Govt. Servant (Supervisor) , Jamgao M, Patan District Durg Chhattisgarh, R/o House No. E-10, Parsuram Nagar , Police Station New Rajendra Nagar, Puraina District Raipur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Ministry Of Home Affairs, D.K.S. Bhawan, Raipur Chhattisgarh
2. Collector District Durg Chhattisgarh
3. Project Officer Integrated Child Development Project , Jamgao M District Durg Chhattisgarh
4. District Program Officer Women And Child Development Department District Durg Chhattisgarh
5. Sub Divisional Officer (Revenue) Patan District Durg Chhattisgarh

---- Respondents

For Petitioner : Ms. Sareena Khan, Advocate

For Respondents/State : Shri Chandresh Shrivastava, Dy. AG

Hon'ble Shri Justice Goutam Bhaduri**Order****01/10/2020**

1. Heard.
2. Learned counsel for the petitioner would submit that the petitioner has been transferred from Integrated Child Development Project Jamgao-M, District Durg to the Office of Project Officer, Integrated Child Development Project Dhamdha,

District Durg by order dated 10.09.2020. She would refer to the complaint made by the petitioner and would submit that the transfer of the petitioner has been made by way of a punishment as the petitioner was subjected to prejudicial treatment in the office which having been objected, the petitioner is subjected to malafide transfer. She would pray that since the place of transfer is 70 KM away from the present place of posting and the transfer is made during the Covid-19 pandemic situation, therefore, the transfer may be stayed.

3. Per contra learned State counsel would oppose the argument and would submit that after the serious complaints were received against the petitioner and thereafter the due enquiry was conducted and after enquiry it was found that the petitioner has committed misconduct, therefore, for the time being considering the nature of allegations the petitioner's place of posting was temporarily made in the Office of Project Officer, Integrated Child Development Project Dhamdha and there is no illegality in the order of transfer.
4. I have heard learned counsel for the parties and perused the documents. Perusal of the order dated 10.09.2020 would show that certain enquiry was held against the petitioner for misbehaviour for which an enquiry was conducted. It is also alleged that the petitioner used to level false allegations on the co-workers and higher-ups and the behaviour of the petitioner was not befitting to the government employee. Consequently, taking into such enquiry, the petitioner's services were placed in the Office of Project Officer, Integrated Child Development Project Dhamdha.
5. It is obvious that when the allegations of such nature exist then continuing the

petitioner in the same place may not be possible and beneficial for the smooth working, therefore, the State in exercise of its discretion has transferred the petitioner in the Office of Project Officer, Integrated Child Development Project Dhamdha. 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 malafide or infraction of any prescribed norms of principles governing the policy of transfer which causes serious prejudice.

6. Accordingly, the petition sans merit is liable to be and is hereby dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu