

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 4460 of 2020**

Smt. Ansuiya Markam Wd/o Late Shri Ram Narayan, Aged About 47 Years
Occupation Service - Presently Posted As Class - IV Employee In The
Office Of Assistant Director Agriculture, Sishal Prachhetra, Chorbhatti,
Tahsil - Takhatpur, District - Bilaspur, R/o Jabdapara, Old Sarkanda,
Bilaspur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through The Secretary Agriculture Development And Welfare Department, Atal Nagar, Mahanadi Bhawan, Raipur, Tahsil And District Raipur Chhattisgarh
2. Directorate, Agricultural Development And Welfare Department, Through Its Director, Atal Nagar, Mahanadi Bhawan, Raipur, Tahsil And District - Raipur Chhattisgarh
3. Additional Director Agriculture Sishal Prachhetra, Chorbhatti, Tahsil - Takhatpur, District - Bilaspur, Chhattisgarh
4. Assistant Land Conservator Officer, Gaurela, District - Gaurela - Pendra - Marwahi Chhattisgarh
5. Teerath Ram Ghritlahre, Peon In The Office Of Assistant Land Conservator Officer, Gaurela, District - Gaurela - Pendra - Marwahi Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Sourabh Sharma, Advocate
For State	:	Mr. Rahul Jha, GA

Hon'ble Shri Justice P. Sam Koshy**Order on Board****23/11/2020**

1. The challenge in the present writ petition is to the order Annexure P-1 dated 05.10.2020 whereby the petitioner who was working at Takhatpur District Bilaspur has been transferred on alleged mutual

consent basis to the District Gaurela-Pendra-Marwahi with mutual transfer along with respondent No.5.

2. Counsel for the petitioner makes a specific contention that petitioner herein has never made any representation whatsoever for being mutually transferred from Takhatpur to Gaurela-Pendra-Marwahi. Contention of the petitioner is that she is a widow and that she has no reason whatsoever for seeking a transfer to the said place particularly when her children are studying in Bilaspur itself and that she has no connection or association from the said place where it is alleged that she had sought transfer i.e. Gaurela-Pendra-Marwahi. Further contention of the petitioner is that respondent No.5 seems to have somehow managed to obtain the signature of the petitioner and must have misused the same by moving an application seeking for mutual transfer which however is without any consent from the petitioner whatsoever and rather his misrepresentation or fraud played by the respondent No.5.
3. State counsel on the other hand opposes that contention of the petitioner is that the respondent No.5 has managed to obtain the signature of the petitioner goes to show that petitioner in fact has not disputed her signature so far as request letter is concerned and therefore the impugned order cannot be held to be bad.
4. Be that as it may, since there is a specific averment made by the petitioner of having never moved any application for mutual transfer and that alleged application if any filed by the respondent is also by playing mischief that aspect also needs to be considered and enquired upon particularly the facts and grounds as narrated by the petitioner which has been reflected in the preceding paragraphs and

also the fact that petitioner is a Class-IV employee and the need for the said request, if any, made by the petitioner.

5. Let petitioner make a detailed representation in this regard to the respondent No.1 and 2 and respondents in turn shall duly consider and enquire and take appropriate decision on the said representation within a period of 30 days from the date of receipt of representation and till the representation is decided, let status quo as it exists today be maintained by the parties. However, respondents are expected to take a decision after due enquiry to be conducted in accordance with law on the issue. Petitioner should make a representation within a period of 15 days from today.
6. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit