

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**WPS No. 2094 of 2021**

- Smt. Sangeeta Bind, W/o Ashok Kumar, aged about 34 years, presently working as Project Officer, integrated Child Development Project, Dantewada, District Dantewada Chhattisgarh

-----Petitioner**VERSUS**

1. State of Chhattisgarh through: Secretary, Women and Child Development Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh
2. Director, Women and Child Development Department, Indrawati Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh
3. Collector, Dantewada, District Dantewada, Chhattisgarh

-----Respondents

For Petitioner	: Mr. C. Jayant K. Rao, Advocate
For Respondent- State	: Mr. Alok Bakshi, Addl. Adv. General

(proceedings through Video Conferencing)**Hon'ble Shri Parth Prateem Sahu, Judge****ORDER****31/05/2021**

1. The petitioner preferred this writ petition against the transfer order dated 09.03.2021 whereby she has been transferred from Integrated Child Development Project, Dantewada, Chhattisgarh to Integrated Child Development Project, Farasgaon, District Kondagaon, Chhattisgarh.
2. Mr. C. Jayant K. Rao, learned counsel for the petitioner submits that the petitioner is holding post of Project Officer in the office of Integrated Child Development Project, Dantewada, District Dantewada Chhattisgarh. He submits that the petitioner has been posted at Dantewada district only on 07.03.2019 and within a period of two years, she has been again transferred to a core schedule area contrary to the policy issued by the State government vide dated 03.06.2015. He submits that as per the policy dated 03.06.2015, a person who has

worked in the scheduled area not to be transferred again in the scheduled area. He further submits that the husband of the petitioner is also posted at district Dantewada, and as per the policy of the State government, husband and wife are to be posted at one place. He submits that the impugned order has been passed of single transfer ie. petitioner only. He submits that that the order impugned is passed in a very arbitrary manner. It is contended that till date petitioner is not relieved from her place of posting at Dantewada and no other person is posted in her place.

3. Mr. Alok Bakshi, learned Additional Advocate General submits that the impugned order dated 09.03.2021 has been passed considering the administrative exigency. She is holding a transferable post. Petitioner has already worked at the present place of posting for a considerable period of two-years and she is now due for her transfer of his posting. He further submits that consideration for posting of the spouse at one place, is as far as possible looking to the availability of post and administrative exigency, the petitioner cannot claim as a matter of right to be posted at the place where her husband is posted.
4. I have heard learned counsel for the respective parties and perused the record.
5. Taking into consideration the nature of grievance raised by the learned counsel for the petitioner, the submission made by learned counsel for the petitioner that till date the petitioner has not been released from the office of Integrated Child Development Project, Dantewada to join her transferred place of posting to Integrated Child Development Project, Farasgaon, District Kondagaon (which is resisted by the learned counsel for the State on the ground of date of passing of impugned order and the lack of knowledge), the submission that no other person is posted in her place and clause 2.5 of Circular dated 03.06.2015

Annexure P-4, I find it appropriate to direct the petitioner to approach the authorities by filing representation before the respondent 1, to be decided within specified time. The grievance as raised by the petitioner is required to be considered by the employer who will be in a better position to consider and decide, based on the administrative exigency.

6. The petitioner is directed to file a representation before Respondent 1 within a period of 10 days raising all her grievance, Respondent 1, in turn, shall decide the representation within a further period of four-weeks from the date of receipt of representation. Till then *status quo* as exists today with respect to the posting of petitioner, shall be maintained.
7. It is made clear that this Court has not expressed any opinion on merits of the claim of petitioner, it will be for Respondent 1 to consider the grievance of the petitioner on its own merits and decide the same in accordance with law.
8. With the aforesaid discussion, the writ petition stands disposed of.

Sd/-
(Parth Prateem Sahu)
Vacation Judge