

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2699 of 2021**

Smt. Kamitla W/o Shri Shankar Lal, Aged About 48 Years, Presently Working As Supervisor At Multipurpose Child Development Service Project, Keshkal, District Kondagaon, Chhattisgarh

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

1. State Of Chhattisgarh Through The Secretary, Women And Child Development Department, Mahanadi Bhawan, Atal Nagar, Nava Raipur Chhattisgarh
2. The Collector, Kondagaon, District Kondagaon, Chhattisgarh
3. The District Program Officer, Kondagaon, District Kondagaon Chhattisgarh
4. Smt. Khemlata Uike W/o Shri Baliram Uike, Aged About 42 Years Presently Working As Supervisor In Integrated Child Development Service Project, Keshkal, District Kondagaon, Chhattisgarh

---- **Respondents**

For Petitioner	:	Mr. Somkant Verma, Advocate
For State	:	Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****21.06.2021**

1. The limited grievance that the petitioner has in the present writ petition is the non-granting of salary to the petitioner from the place where she has reported for duty in terms of the order of transfer dated 08.11.2019.
2. The facts of the case are that the petitioner vide order dated 08.11.2019 was transferred to Multi-purpose Child Development

Service Project, Keshkal, district Kondagaon from Badedongar (Farsgaon), District Kondagaon. The petitioner was supposed to be replacing the respondent no.4 who in turn vide the same order of transfer was sent to Multi-purpose Child Development Service Project Kondagaon-02, district Kondagaon from Keshkal.

3. The respondent no.4 preferred a writ petition before this High Court vide WPS No. 9452/19 and the High Court vide its order dated 20.11.2019 did not interfere with the order of transfer. However, respondent no.4 was only permitted to represent before the Govt. authorities. There was no interim protection also granted in favour of respondent no.4. Meanwhile, the petitioner is said to have joined at the transferred place in the month of August, 2020. Though the petitioner has joined at the transferred place and the order of transfer getting complied in its letter and spirit, the respondent authorities have till date not relieved the respondent no.4 in spite of there being no interim protection in favour of respondent no.4 and the respondent no.4 continues to get the salary from the same place and the petitioner's salary is being drawn from somewhere else.
4. The apprehension of the petitioner is that since she is being paid salary from else where, there is all likelihood of the petitioner being considered/declared as a surplus person and she can be again subjected to transfer whereas the respondent no.4 in spite of her not being successful in getting any interim protection from the High Court till date has been retained by the respondent no.3 at the same place.
5. Given the aforesaid factual matrix of the case, this Court is of the opinion that the entire dispute can be resolved by disposal of the present writ petition with a direction to the respondent no.3 to take an

appropriate decision on the aspect of disbursement of the salary both in respect of the petitioner as also in respect of the respondent no.4 in accordance with law keeping in view the fact that the petitioner has complied with the order of transfer dated 08.11.2019 and has assumed her charge. Let an appropriate decision be taken in this regard at the earliest preferably within a period of 60 days from the date of receipt of copy of this order.

6. With the aforesaid observation/direction the writ petition stands disposed of.

**Sd/-
P. Sam Koshy
Judge**