

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 4117 of 2021

1. Smt. Sheela Dhritlahre W/o Shri Deendayal Dhritlahre Aged About 50 Years Working As a Supervisor, and Posted at Women and Child Development Through Secretary, Department, Sonakhan, Tahsil Kasdol, District Baloda Bazar-Bhatapara Chhattisgarh

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Department of Women and Child Development, Mahanadi Bhawan, Mantralaya, Atal Nagar New Raipur District Raipur Chhattisgarh
2. Director Office of Women and Child Development, District Raipur Chhattisgarh
3. Collector Baloda Bazar-Bhatapara District Baloda Bazar-Bhatapara Chhattisgarh
4. District Program Officer Women and Child Development, Baloda Bazar-Bhatapara District Baloda Bazar-Bhatapara Chhattisgarh

---Respondents

For Petitioner	:	Shri Akash Tiwari Advocate under instructions of Shri TK Tiwari, Advocate.
For State	:	Ms. Akanksha Jain, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

11.08.2021

1. The grievance of the petitioner in the present writ petition is the place of posting where the petitioner has been transferred and the subsequent development that have transpired.
2. The main grievance of the petitioner is that for almost more than an year the petitioner has not received any salary from the department. The petitioner was originally transferred vide order dated 21.08.2019 transferring her from district office Baloda Bazar to the district office Sukma. The petitioner preferred a writ petition i.e. WPS No.6680 of 2019 which got disposed of on 02.09.2019 permitting the petitioner to make a representation which in turn the respondents were required to be decided. The respondents themselves during the pendency of initial period of suspension stayed the transfer of the petitioner to Sukma till the

departmental enquiry was concluded. Subsequently the departmental enquiry got concluded and the petitioner was inflicted with a punishment of stoppage of one annual increment with cumulative effect vide order dated 13.08.2020. Subsequent to the culmination of the departmental enquiry and imposition of the punishment the petitioner was ordered to be relieved to give her joining at Sukma.

3. The counsel for the petitioner submits that the petitioner has various physical ailments which would come in the way of normal discharge of the duties and also would come in the way if the petitioner is forced to join the office at Sukma which is a far of place from the present place of posting particularly taking note of the fact that the place where the petitioner has been posted is a scheduled area and also highly inflicted with Naxalite problems. It is also the contention of the petitioner that there are large number of vacancies available under the respondents in the nearby location where the petitioner could had been easily accommodated. Lastly it was contended that at a later stage when the petitioner went to give her joining at district office at Sukma the authorities at Sukma refused to accept her joining and as of now the petitioner is left with no office to discharge her duties and as a consequence the petitioner also is not getting salary for last over a year.
4. Under the circumstances, the petitioner makes a request that the writ petition at this juncture be disposed of directing the respondent authorities to redress the grievance of the petitioner at the earliest.
5. To this limited prayer, the State counsel does not have any objection. However, the State counsel submits that the contentions of the petitioner are one which have to be verified and factual informations have to be collected from the respective offices both in respect of her claim of having

given her joining at Sukma and also in respect of the fact whether she has been paid her salary and other dues or not.

6. Given the said facts and circumstances of the case, the writ petition at this juncture stands disposed of directing the respondent No.2 to look into the grievance of the petitioner and to take appropriate steps in resolving the same in accordance with rules and regulations governing the field both in respect of the alleged contention of the petitioner of her not being given joining at Sukma and also in respect of her claim of unpaid salary for almost an year now.
7. Let the respondent No.2 take an appropriate decision in this regard including necessary instructions for giving her the joining, at the earliest preferably within a period of 45 days from the date of receipt of copy of this order.
8. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge