

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4710 of 2021

Smt. Deepa Das W/o Shri Ravikant Das Aged About 51 Years Working As Matron, Pragati Nagar Dispensary, Dipka Area, Korba District Korba Chhattisgarh

---- Petitioner

Versus

1. South Eastern Coal Fields Limited Through Its Managing Director, H. Q. Seepat Road, P. B. No. 60, Bilaspur District Bilaspur Chhattisgarh
2. The General Manager (Management) South Eastern Coal Fields Limited, Dipka Area, Korba District Korba Chhattisgarh
3. Dr. U. P. Singh Deputy Chief Medical Officer, Pragati Nagar, Hospital, Dipka Area, Korba District Korba Chhattisgarh
4. Smt. Madhu Rajput Clerk, Pragati Nagar, Hospital, Dipka Area, Korba District Korba Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Rajesh Kumar Kesharwani, Advocate
For Respondents	:	Mr. Vinod Kumar Deshmukh, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

07/09/2021

1. The petitioner is aggrieved in the present writ petition so far as the order of transfer dated 24.08.2021 is concerned. The petitioner has been transferred from the Pragati Nagar, Dispensary, Tifra Area, Korba to the Bhatgaon Area of SECL, Surajpur.
2. The primary challenge to the order of suspension is the fact that the petitioner on account of some alleged allegation of misconduct was placed under suspension vide order dated 17.07.2021. In respect of the said incident, for which the petitioner's services were placed under

suspension, the petitioner also has lodged an FIR against some private persons i.e. the respondents No.3 & 4 in the present writ petition before the Police Station at Dipka, District Korba and a case has been registered under Sections 294, 506, 323 & 34 of the Indian Penal Code.

3. The counsel for the petitioner submits that on one hand the petitioner's services have been suspended contemplating a departmental enquiry and the petitioner had challenged the charge-sheet vide WPS No. 4257/2021 on the ground that she has not been provided the list of documents and list of witnesses, which stood disposed of on an undertaking given by the counsel for the SECL on 16.08.2021.
4. Now the further contention of the counsel for the petitioner is that subsequently the respondents have provided the list of documents and the list of witnesses and with a malafide intention now pending the departmental enquiry have shifted the place of posting of the petitioner from Dipka area to Bhatgaon area. The said action is per se illegal and malafides for the reason that the petitioner under suspension should not have been transferred as that would amount to change of headquarters and also it would get prejudice to the petitioner as she would find it difficult in conducting the departmental enquiry firstly remaining under suspension and secondly being posted at Bhatgaon it will not be practically feasible to attend the departmental enquiry regularly being posted at Bhatgaon.
5. Learned counsel for the respondents on a query being put by this Court was unable to give instruction as to whether the order of transfer

would mean the order of suspension being revoked and the petitioner being transferred after revocation of suspension. The order of transfer does not reflect anything on this aspect.

6. Let the petitioner make a suitable representation to the respondent No.1 or concerned competent authority within a period of 7 days in respect of the grievance of the petitioner. Subject to the petitioner making a suitable representation within 7 days, the respondent No.1 or the competent authority authorized by the respondent No.1 shall take an appropriate decision on the representation of the petitioner within a period of 30 days. The authorities shall decide the representation by a speaking order dealing with all the contentions that the petitioner raises in his representation. Purely as an interim measure, considering the fact that the impugned order does not reflect anything in respect of the order of suspension of the petitioner, nor is the counsel for the respondents having any instructions, so far as the suspension part is concerned, there shall be a stay of the effect and operation of the order of transfer, till the respondents take an appropriate decision on the representation of the petitioner.
7. With the aforesaid directions, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved