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**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 3000 of 2023**

- Anapurna Vishwakarma W/o Shekhar Vishwakarma Aged About 35 Years R/o Kota, Tahsil And District Bilaspur, Chhattisgarh.

---- **Petitioner**

**Versus**

1. State Of Chhattisgarh Secretary, Tribal And Scheduled Caste Development Department, Mantralaya Mahanadi Bhawan, Nava Raipur, Atal Nagar, District Raipur, Chhattisgarh.
2. Commissioner, Tribal And Scheduled Caste Development Department Indrawati Bhawan, Atal Nagar, District Raipur Chhattisgarh.
3. Assistant Commissioner, Tribal Welfare, Bilaspur District - Bilaspur Chhattisgarh.
4. Office Of Collector (Tribal Development), Bilaspur, District - Bilaspur Chhattisgarh.
5. Under Secretary, Tribal And Scheduled Caste Development Department, Mahanadi Bhawan, Nava Raipur, Atal Nagar, District Raipur, Chhattisgarh.
6. Shalini Soni Hostel Superintendent, Office Of Assistant Commissioner, Tribal Welfare, Bilaspur District - Bilaspur, Chhattisgarh

---- **Respondents**

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| For Petitioner | : | Shri Pankaj Singh, Advocate |
| For State      | : | Shri Sandeep Dubey, Dy.A.G. |

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**Hon'ble Shri Justice Sachin Singh Rajput**

**Order On Board**

**08/05/2023**

With the consent of the parties, the matter is heard finally.

1. Challenge in this petition is against order dated 03/04/2023 passed by Assistant Commissioner, Tribal Development, Bilaspur by which the petitioner was asked to hand over the charge of the post of Superintendent, Tribal Girls Ashram, Kota, Bilaspur to respondent No.6. The petitioner has also challenged order dated 28/02/2023 issued by Under Secretary, Tribal and Scheduled Caste Development Department (Annexure P/5) by which the transfer order dated 12/12/2022 of respondent No.6 has been amended and she has been transferred to the present place of posting of the petitioner.
2. Learned counsel for the petitioner submits that vide order dated 22/09/2018 (Annexure P/2), the petitioner was posted in the Tribal Girls Ashram, Kota till further orders on the post of Superintendent.



Thereafter, the petitioner was given promotion and she was posted on the same post by virtue of order dated 09/06/2022. He further submits that respondent No.6 was transferred to Scheduled Caste Girls Ashram, Kota, District – Bilaspur from her present place of posting at Post Metric Adivasi Girls Hostel, Lalpur, District – Gaurela-Pendra-Marwahi. This order was amended vide order dated 28/02/2023. It has been mentioned therein that the transferred place may be read as Government Tribal Girls Ashram, Kota, District -Bilaspur and by virtue of which, without there being any order of transfer, respondent No.6 has been posted at the place of posting of the petitioner which is in gross violation of Fundamental Rule 12 which states that two or more government servants cannot be posted on the same permanent post at the same time. Learned counsel further submits that the petitioner may be permitted to move a detailed representation to respondents 1 and 2 explaining this anomaly who in turn shall decide the same in accordance with law within a reasonable period of time and till that time, the petitioner may be protected by some interim order.

3. Learned State counsel would submit that in case, any representation is filed by the petitioner, the same shall be decided in accordance with law.

4. Be that as it may, looking to the submission made by counsel for the parties at the bar and also perusing the documents, this Court is inclined to dispose of this petition at this stage permitting the petitioner to submit representation within a period of 2 weeks from today along with the copy of this order and if such representation is made, respondents 1 and 2 shall decide the same within a further period of 30 days from the date of receipt of representation. Till then, *status quo*, as it exists today, shall be maintained by the parties.

5. The petition is accordingly disposed of.

Sd/-  
(Sachin Singh Rajput)  
JUDGE