
(2015) 08 JH CK 0025
In the Jharkhand High Court
Case No : W.P. (S) No. 3895 of 2015

Rizwana Tabassum

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 24-08-2015

Acts Referred:

Citation : (2015) 3 JLJR 626

Hon'ble Judges : Aparesh Kumar Singh, J.

Bench : Single Bench

Advocate : Saurav Arun, for the Appellant; D.K. Dubey, for the Respondent

Final Decision : Dismissed

Judgement

Aparesh Kumar Singh, J.—Heard learned counsel for the parties. Petitioner came before this Court in W.P.(S) No. 3119 of 2015 being aggrieved by transfer order dated 29.6.2015 issued by Superintending Engineer, Road Circle, Hazaribagh from the post of Correspondence Clerk, Road Division, Chatra to Road Division, Koderma. Petitioner was working on the said post since her appointment on 28.8.1998 on compassionate ground. Petitioner claimed that her post is district cadre post and she being a lady appointed on compassionate ground should not be displaced from one place to another. She urged an example of one Shambhu Nath Singh Munda, an Accounts Clerk, whose order of transfer by the same impugned order, had been revoked later on by the same respondent-Superintending Engineer, Road Circle, Hazaribagh. She also contended that posts were vacant at Chatra Road Division where she can be accommodated. Without making any comments on the merits of her case, the writ petition was disposed of with a direction that her representation be considered by Superintending Engineer, Road Circle, Road Construction Department, Hazaribagh.

2. In the present impugned order at Annexure-10 dated 12.8.2015 passed by the Superintending Engineer, Road Circle, Road Construction Department, Hazaribagh, a categorical statement has been made mentioning that petitioner's

cadre is not district cadre, but commissioner/divisional level cadre and Superintending Engineer, Road Circle, Road Construction Department, Hazaribagh is competent authority to transfer the employees of Class-III and IV Grade within the circle (commissionary level). In respect of contention of the petitioner about Shambhu Nath Singh Munda, it is stated that he was serving since 1987 at Chatra and is presently on deputation in the office of Chief Engineer, Road Construction Department, Ranchi. Therefore, his order of transfer was revoked, which fact has been concealed by the petitioner. He has also referred to the decision of Circle Establishment Committee dated 26.6.2015 where a decision was taken for transfer of one or other employees like the petitioner which led to issuance of the impugned order.

3. Learned counsel for the petitioner has assailed the impugned order on the ground that it has not considered specific observation made in the earlier writ petition. It is submitted that even though vacant posts are there at Chatra, petitioner's case has not been accommodated though she is a lady appointed on compassionate ground.

4. Having considered the rival submissions of the parties and on perusal of the impugned order and other materials on records, this Court comes to a conclusion that impugned order of transfer is not without jurisdiction and petitioner is not serving in district cadre rather divisional cadre. She can be posted within the said Commissioner/Division. Superintending Engineer, who is competent authority, has issued the impugned order of transfer dated 29.6.2015 based upon decision of the Establishment Committee. The petitioner has also remained at the same place for more than 17 years.

5. In that view of the matter, this court is not inclined to interfere in the impugned order of transfer as well as the reasoned order. She should forthwith submit her joining at her transferred place, if not joined.

6. Learned counsel for the petitioner submits that respondents may be directed to take a considered view on the question of payment of salary for the period till her joining upon issuance of order of transfer.

7. It is open to the petitioner to raise her claim before the competent authority for the aforesaid period of salary, which may be considered in accordance with law. The writ petition is, however, dismissed.