

Serial No. 12
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 174 of 2023

Date of Decision: 20.09.2023

Dr. Nosilchi M. Sangma Vs. State of Meghalaya & Ors.

Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

For the Petitioner(s) : Mr. Philemon Nongbri, Adv.

For the Respondent(s) : Ms. N.G. Shylla, Sr. GA

i) Whether approved for reporting in Law journals etc.		Yes/No

ii)	Whether approved for publication in press:	Yes/No
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JUDGMENT AND ORDER (ORAL)

1. The petitioner has come before this Court being aggrieved with the Transfer and Posting order dated 22.05.2023, wherein she stood transferred from Ganesh Das Government M&CH Hospital, Shillong to Jongsba PHC, East Khasi Hills, against the existing vacancy

and to be deployed to Ganesh Das Government M&CH Hospital, Shillong.

2. An affidavit has been filed, wherein the State respondents have indicated at Para-6, that the Transfer and Posting order was made not to dislocate the writ petitioner but to overcome a technicality. The said paragraph being relevant is quoted hereinbelow:-

“6. That with regard to the averments made at paragraph 2 of the writ petition, the answering deponent states that the petitioner herein is posted as a Grade III Dental Surgeon in Ganesh Das Government M&CH Hospital, Shillong, vide Memo No. Health. 21/2019/19 dated 06.01.2023 (enclosed as Annexure-21 of the writ petition). It is stated herein that the sanctioned post of Dental Surgeon at Ganesh Das Government M&CH Hospital was upgraded to Grade II vide letter No. Health. 204/2011/84 dated 20.10.2014. As such, the Transfer Order dated 22.05.2023 (enclosed as Annexure-23 of the writ petition) was issued so as to not affect the salary of the petitioner in light of the fact that there is no sanctioned post at Grade III level at Ganesh Das Government M&CH Hospital and the only vacant post at Grade III level is at Jongsha PHC.

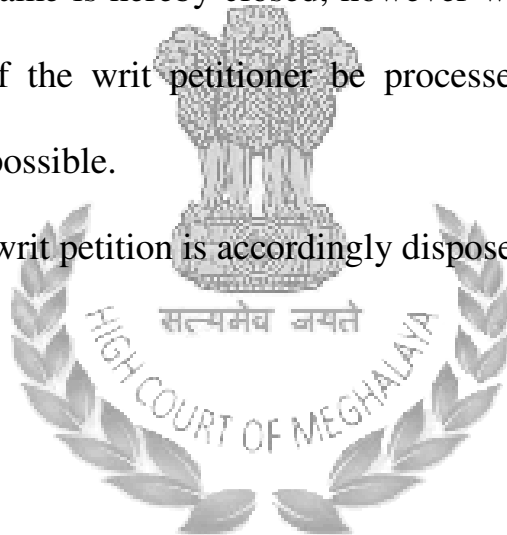
Moreover, the aforementioned Transfer Order states that the petitioner is to be transferred and posted at Jongsha PHC, East Khasi Hills, and to be deployed to Ganesh Das Government M&CH Hospital; meaning thereby that the petitioner will be working from Ganesh Das Government M&CH Hospital itself.”

3. The further grievance raised by the petitioner is with regard to the non-receipt of her salary, which she claims has not been paid for the last 20(twenty) months. In this context also, the State respondents have clarified the same by way of a communication dated 16.06.2023,

issued by the respondent No. 5. The said communication indicates that the non-release of salary was due to the fact that the leave taken by the writ petitioner were yet to be reconciled, as the periods were during the Covid-19 pandemic.

4. After hearing the learned counsels for the parties and having examined the materials on record, especially the affidavit, in the considered view of this Court nothing remains for consideration in this petition and the same is hereby closed, however with the observation that the salary of the writ petitioner be processed and released as expeditiously as possible.

5. This writ petition is accordingly disposed of.



JUDGE

Meghalaya
20.09.2023
"V. Lyndem-PS"