

Court No. - 34

Case :- WRIT - A No. - 18196 of 2023

Petitioner :- Dr.Manisha

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Madhur Prakash

Counsel for Respondent :- C.S.C.

Hon'ble Ajit Kumar,J.

1. Heard learned counsel for the parties.
2. Petitioner who has been transferred from Gorakhpur to Agra is aggrieved by the transfer order for the reason that she is having three children studying at Gorakhpur and an ailing mother in law. The husband of the petitioner Sri Lalit Narayan Mishra, continues to remain posted at Lalit Narayan Mishra Central Hospital, North Eastern Railway, Gorakhpur and the certificate to that effect dated 05.08.2023 issued by the Director, Health, has been brought on record vide annexure no.1 to the writ petition.
3. Learned counsel for the petitioner has further argued that as per the transfer policy promulgated on 07.06.2023, the husband and wife, if possible, should be posted at same place or a nearby place of posting of the other spouse.
4. Learned Standing Counsel on the contrary submits that the petitioner cannot remain posted at Gorakhpur in view of the transfer policy which bars posting of an employee for more than ten years at a station.
5. Learned counsel for the petitioner submits that in the above regard the petitioner has already made a representation before the respondent no.2, namely, Director, Employees State Insurance, Labour Medical Health Services, U.P., Sarvodaya Nagar, Kanpur on 06.07.2023 and also thereafter made a reminder on 09.10.2023 but no consideration thereof has taken place till date.
6. In view of the above, this petition stands ***disposed of*** with a direction that respondent No.- 2, namely, Director, Employees State Insurance, Labour Medical Health

Services, U.P., Sarvodaya Nagar, Kanpur shall look into and consider the claim of the petitioner as raised in his representation dated 06.07.2023 sympathetically in the light of the policy of the State Government dated 7th June, 2023 in adjusting the petitioner either at Gorakhpur or a nearby district if otherwise there are no compelling circumstances.

7. An appropriate decision shall be taken by the authority concerned within a period of two weeks from the date of production of certified copy of this order.

Order Date :- 30.10.2023

Deepika