

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1388 of 2015**

- Smt. Mala Patel D/o Sukhlal, Age Around 47 years, Presently Posted As Female Multi-Purpose Health Worker/ ANM, At Sub-Health Centre Kudripara, Block Katghora District Korba, R/o Infront of SECL Quarter, Post Gajra, PS Baki Mongra, District Korba (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh Through: The Secretary, Department Of Health & Family Welfare, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
2. The Collector, Korba, District Korba (Chhattisgarh)
3. The Chief Medical & Health Officer, Korba, District Korba (Chhattisgarh)
4. The Block Medical Officer, Block Katghora, District Korba (Chhattisgarh)
5. Panna Lal Patel Presently Posted As Multi-Purpose Health Worker/ ANM, At Sub- Health Centre Katinar, Block Katghora District Korba (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Mateen Siddiqui, Advocate
For Respondent/State	:	Shri Shashank Thakur, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****22/04/2015**

1. The petitioner is aggrieved by the order dated 18-2-2015, whereby the petitioner, who is working as multi-purpose health worker (female) has been posted, due to implementation of rationalization scheme, from Sub-Health Centre, Kudripara to Sub-Health Centre Mohlai Bhata.

2. Learned counsel for the petitioner would submit that Panna Lal Patel, respondent No.5, who is presently working at Katainar, Block Katghora, is brought to Kudripara, therefore, it is not a case of rationalization, but is a case of transfer and as a matter of fact, there is no need for disturbing posting of the petitioner and respondent No.5.
3. When the Government undertakes rationalization of employees and in that course it passes orders of posting, the said rationalization includes posting as well as transfer, because in a scheme of rationalization various aspects like need of the person, availability of work, suitability of the person in a particular posting etc. is taken care of. In that sense posting/rationalization is not by itself a transfer, but it includes an element of transfer also. The ordinary tenets of transfer appears to be included in rationalization, but the same is not only a transfer but is a posting depending upon various factors. It is not in the domain of the writ Court to decide or to embark upon judicial review to assess the legality of the exercises undertaken by the Government keeping in view its own administrative interest and the aspiration of the local populace.
4. The petitioner has not placed before this Court any such facts by which it can be demonstrated that subject rationalization is in violation of any statutory provisions or is otherwise *mala fide* in nature. The place where the petitioner is posted is not a distant place.
5. For the foregoing, this Court does not deem it appropriate to interfere with the impugned order, however, this would not preclude the petitioner from preferring representation raising grounds of personal inconvenience in complying the order. If such representation is filed, the same shall be disposed of at the earliest, preferably within a period of six weeks from the

date of submission of representation.

6. It is made clear that this Court has not expressed any opinion on the merits of the case and the respondent authorities shall decide the matter, on its own merits, strictly in accordance with law, without treating any observation made in this order, as opinion on the merits of the case.

J U D G E

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