

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1855 of 2015

- Dr. Smt. Chandra Kiran Rohleder W/O Dr. Amrit Lal Rohleder, Aged About 50 years R/O Village Kutela, Post Saraipali, P.S. Saraipali, District Mahasamund (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh, Through Secretary, Health Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur (C.G.)
2. Under Secretary, Health Department, Mahanadi Bhawan Mantralya, New Raipur District Raipur (C.G.)
3. Director, Health Department, Directorate, Indravati Bhawan, New Raipur, District Raipur (C.G.)
4. Chief Medical Officer, Mahasamund, District Mahasamund (C.G.)
5. Block Medical Officer, Block Saraipali, District Mahasamund (C.G.)

---- Respondents

For Petitioner	: Shri Raghvendra Pradhan, Advocate
For Respondent/State	: Shri Mazid Ali, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

13/05/2015

1. Petitioner is challenging the impugned transfer order, whereby she has been transferred from Community Health Centre, Saraipali to Community Health Centre, Pithora. Petitioner is working at Saraipali since August 2013.
2. Challenge to the transfer order is made on the ground that petitioner's husband was earlier transferred to Pithora, however, his representation against the transfer order is pending therefore, if her husband's representation will be allowed, he would remain at Saraipali whereas the petitioner will be required to join at Pithora.

3. It appears, after transferring petitioner's husband to Pithora, the petitioner has also been transferred to Pithora so that husband and wife remain posted at one place.

4. It is a trite law that transfer/posting is an incidence of service. The Court should not interfere with the transfer/posting order unless there is malice, infringement of statutory rules and regulations. The employee may be posted anywhere at the instance of the employer in public interest and administrative exigency. Further, it is for the Government to post another person if any vacancy arises on account of transfer/posting of an employee. (See *E.P. Royappa v. State of and another* (1974) 4 SCC 3, *Shilpi Bose (Mrs.) and others v. State of & another* (1991) Supp 2 SCC 659, *State of and another v. S.S. Kourv and others* (1995) 3 SCC 270, *Mohd. Masood Ahmad v. State of U.P. & Others* (2007) 8 SCC 150, *Chief Commercial Manager, South Central Railway, Secunderabad & Others v. G. Ratnam & Others* (2007) 8 SCC 212 and *Airports Authority of India v. Rajeev Ratan Pandey & Others* (2009) 8 SCC 337).

5. In view of the above, the writ petition is liable to be and is hereby dismissed.

JUDGE