

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2003 of 2015

1. Smt. Durga Bajpai W/o Shri Anuj Prakash Mishra Aged About 59 years R/O Juno Hatti, Rajnandgaon, Near House Of Mahadev Mechanic, P.S. City Kotwali, Tahsil And District Rajnandgaon (Chhattisgarh),

---- Petitioner

Versus

1. State Of Chhattisgarh, Through : The Secretary, Health And Family Welfare, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur (Chhattisgarh)
2. Collector, Rajnandgaon , District Rajnandgaon (Chhattisgarh)
3. Chief Medical And Health Officer, Rajnandgaon, District Rajnandgaon (Chhattisgarh)

---- Respondent

For Petitioner	Shri T.K. Tiwari, Advocate
For Respondent/State	Shri Y.S. Thakur, Dy. Adv. General

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

25/06/2015

1. Petitioner is assailing the orders dated 26-12-2014 and 1-5-2015 whereby she was firstly transferred from District Hospital, Rajnandgaon to Sub Health Center, Chichka, Community Health Center, Khairagarh and by the second transfer order transferred

the petitioner from District Hospital, Rajnandgaon to Sub Health Center, Khursipar, Block Dongargaon.

2. On the previous date of hearing, this Court had directed the learned State counsel to seek instructions in the matter.
3. Learned Dy. Advocate General would submit that against the first transfer order the petitioner had submitted representation, which was initially rejected, however, on sympathetic consideration she has been brought to a place nearer to Rajnandgaon by passing the second transfer order.
4. At this stage, learned counsel for the petitioner would submit that since the second order nowhere states that the earlier order stands cancelled, but yet in both the orders the petitioner is shown to have been transferred from District Hospital, Rajnandgaon, it becomes difficult for the petitioner to comply either of the transfer order.
5. A reading of both the orders would convince this Court that the Chief Medical & Health Officer has taken a sympathetic and holistic view of the fact that the petitioner is aged about 59 years and to accommodate her at a place nearer to Rajnandgaon passed the second order. Even otherwise, the impugned order has been passed in execution of the scheme of rationalisation of

Health Workers, which is purely administrative exercise warranting no interference by this Court.

6. It appears there may be some difficulty for the petitioner to join at Khursipar because earlier she was relieved *ex parte* to join at Chichka and not at Khursipar. The submission made by Shri Tiwari would also indicate that the petitioner is not getting salary on and after the first order was passed.
7. In order to allow the petitioner to join at Khursipar, it is directed that the petitioner may be allowed to join at District Hospital, Rajnandgaon and, thereafter, appropriate orders may be passed concerning her relieving for compliance of the second transfer order.
8. Accordingly, the writ petition is disposed of. No order as to costs.

Sd/-

(Prashant Kumar Mishra)

Judge

Gowri