

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2772 of 2015**

- Smt. C. Sahu W/o Shri Sajan Lal Sahu, Aged About 45 years R/o Juno Hatti, Rajnandgaon, Near House Of Mahadev Mechanic, Tehsil And District Rajnandgaon (Chhattisgarh) P.S. City Kotwali, Rajnandgaon

---- Petitioner**Versus**

1. State of Chhattisgarh Through Secretary, Department of Health And Family Welfare, Mahanadi Bhawan, Capital Complex, New Raipur, District Raipur (Chhattisgarh) P.S. Rakhi
2. Chief Medical And Health Officer, Rajnandgaon, (Chhattisgarh)
3. Collector, Collectorate, Rajnandgaon (Chhattisgarh)
4. Director, Directorate Health Services, Old Nurses Hostel, DKS Bhawan, Raipur (Chhattisgarh) P.S. Civil Lines

---- Respondents

For Petitioner	:	Shri Rahul Tamaskar, Advocate
For Respondent-State	:	Shri Shashank Thakur, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****04/08/2015**

1. Petitioner has assailed the legality and validity of the impugned order dated 31.03.2015 (Annexure P-1) and 26.12.2014 (Annexure P-5), whereby she has been transferred from District Hospital, Rajnandgaon to Sub-Health Centre, Jangalpur, Community Health Centre Chhuikhadan.
2. Petitioner is working as Female Health Worker/ANM, she had earlier preferred WPS No.502/2015, which was disposed of permitting the petitioner to prefer a representation and at the same time allowing her to remain at the present place of posting till the representation is decided.
3. It is argued that the petitioner has been permitted to join at the transferred

place after completion of General Nursing Training, therefore, there is no administrative exigency in her posting at the transferred place.

4. 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.
5. 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.
6. In view of the above and for the reason that this Court has limited power to interfere with the transfer order, unless the same is accentuated with mala fide or is in violation of any statutory provision that has affected any service condition of the employee, since none of the said situation is arising, this Court is not inclined to interfere with the impugned order.
7. Accordingly, the writ petition is dismissed.

Sd/-

Judge

Prashant Kumar Mishra

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