

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2774 of 2015**

- Smt. Shiv Kumari Dubey W/o K.N. Dubey Aged About 55 years Staff Nurse, Posted At District Hospital Durg, R/o HG -6, 5 Building, New Civil Line, Durg, Tahsil And District Durg Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, Health Department, Mantralaya, Mahandi Bhawan, Raipur Chhattisgarh
2. Collector Durg, Chhattisgarh
3. Chief Medical And Health Officer, District Durg Chhattisgarh

---- Respondents

For Petitioner	:	Shri NK Chatterjee, 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 passed by the Collector, Durg, whereby the petitioner, who is working as Staff Nurse, has been transferred from District Hospital, Durg to Community Health Centre, Patan, District Durg.
2. Bare perusal of the Annexure P-2 would reveal that there exists administrative exigency for transferring the petitioner from District Hospital Durg.
3. Even otherwise, the transferred place is situated very near to Durg as the

same is located only 25 km away. The petitioner is posted at Durg since long time.

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 employees 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 Tamil Nadu and another*¹, *Shilpi Bose (Mrs.) and others v. State of Bihar & another*², *State of M.P. and another v. S.S. Kourv and others*³, *Mohd. Masood Ahmad v. State of U.P. & others*⁴, *Chief Commercial Manager, South Central Railway, Secunderabad & others v. G. Ratnam & others*⁵ and *Airports Authority of India v. Rajeev Ratan Pandey & others*⁶).
5. For the foregoing, this Court does not find any substance in the writ petition, it deserves to be and is hereby dismissed.

Sd/-

Judge

Prashant Kumar Mishra

Ashu

1 1974 (4) SCC 3
 2 (1991) Supp 2 SCC 659
 3 (1995) 3 SCC 270
 4 (2007) 8 SCC 150
 5 (2007) 8 SCC 212
 6 (2009) 8 SCC 337