

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2783 of 2015**

- Smt. Prasannata Bada W/o Ram Prasad Ram Aged About 47 years R/o Ghutanpara Rajpur P.S. & Tah. - Rajpur, Working As L.H.V., Community Health Center Rajpur, Rev. Distt.- Balrampur- Ramanujganj, Civil Distt. Surguja (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh Through : The Secretary ; Health Services Deptt. Mahanadi Bhawan, New Raipur (Chhattisgarh)
2. The Director, Health Services Department Raipur, District- Raipur (Chhattisgarh)
3. The Collector Balrampur- Ramanujganj, Distt. Balrampur (Chhattisgarh)
4. Chief Medical Officer Balrampur Distt.- Balrampur (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Bhupendra Singh, Advocate
For Respondent-State	:	Shri Sangharsh Pandey, Dy. 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 transfer order dated 20.07.2015, passed by the Collector Balrampur. By the said order, the petitioner, who is working as LHV, has been transferred from CHC, Rajpur to Primary Health Centre, Manoharpur on administrative grounds.
2. Learned counsel for the petitioner would submit that petitioner's husband is also posted at Rajpur, therefore, petitioner should not have been transferred to a different place. It is also stated that the petitioner has suffered surgery in the year 2012 and she needs postoperative care and regular checkup, which is not available at the transferred place, therefore, the impugned order

deserves to be set aside.

3. Para 8.2 of the writ petition would reveal that the petitioner is posted at the present place since September, 2003 i.e. for last about 12 years. The instructions to keep the husband and wife posted at one place would not entitle the petitioner to remain posted at a particular place throughout her service career.
4. Bare perusal of the impugned order would reveal that the same has been passed on administrative grounds. The petitioner has not alleged any mala fide or violation of any statutory provision, nor has demonstrated that the impugned order would affect any of his service condition. Transfer being an incidence of service, this Court has limited jurisdiction to interfere with such orders.
5. 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).
6. For the foregoing, this Court does not find any substance in the writ petition, it deserves to be and is hereby dismissed.

Sd/-

Judge

Ashu

Prashant Kumar Mishra

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