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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2862 of 2015**

- Smt. Shishir Marawi W/o Shri Rajesh Marawi Aged About 40 Years A. N. M. (Auxiliary Nurse Midwife)/ Mahila Swasthya Karykarta, Up-Swasthyakendra Sarangpurkala, Samudayik Swasthyakendra Bodla, Post Sarangpurkala, Tahsil & Police Station Bodla, District Kabirdham, (Chhattisgarh)

---- **Petitioner****Versus**

1. Smt. Neeti Varma W/o Shri Dhinrendra Varma Aged About 30 Years Bahu-Uddeshiya Swasthya Karykarta (Mahila), Up- Swasthyakendra Jhalmala, Vikas-Khand Bodla, Tahsil & Police Station Bodla, District Kabirdham, R. O. Village Uslapur, Post Pondi Tahsil & P. S. Bodla, District Kabirdham, Chhattisgarh
2. The State Of Chhattisgarh Through The Collector, District Kabirdham (Chhattisgarh)
3. The Chief Medical & Health Officer, District Kabirdham, (Chhattisgarh)

---- **Respondent**

For Petitioner : Shri UN Awasthy, Sr. Advocate with Shri Vinod Deshmukh, Adv.
 For Respondent/State : Shri YS Thakur, Deputy Advocate General

Hon'ble Shri Justice Prashant Kumar Mishra**C A V Order****Passed on:** 17/08/2015

1. The petitioner is working as Woman Multipurpose Health Worker in the department of Health Services, Govt. of Chhattisgarh. In this petition under Article 226 of the Constitution of India, she has assailed the

legality and validity of the order dated 20.7.2015 (Annexure-P/4) whereby she has been transferred from Sub Health Centre Sarangpur, Block Bodla to Sub Health Centre Jhalmala, in the same block.

2. It is argued that the petitioner has rendered services in the scheduled area for about 18 years and has joined at the present place in the month of July, 2014, however, the present order has been passed within one year of her posting, therefore, the same is illegal and arbitrary. Learned counsel would further submit that the order is malafide, as there is no complaint against the petitioner and the villagers have made representation for cancellation of the petitioner's transfer.
3. It is settled law that in matters concerning transfer of Government servant, this Court has limited jurisdiction to embark on judicial review unless the transfer order is ex-facie malafide or is in violation of any statutory provision or it otherwise adversely affects any of the service conditions of the employee. None of the above conditions have been brought to the notice of this Court.
4. The transfer policy issued by the State Government for the year 2015-16 confers power on the District Collector to transfer Class-III and Class-IV employees of the district, within district. The present transfer order has been issued by the Collector transferring the petitioner within same block.
5. In para-4 of the transfer policy, the State Government has provided an

internal Grievance Redressal mechanism wherein a transferred employee can prefer a representation before the Divisional Revenue Commissioner. Thus, the petitioner has an internal remedy for redressal of her grievances.

6. Though it has been argued that the said remedy is not effective, however, considering the fact that this Court has limited jurisdiction to embark on judicial review in transfer matters, as stated above, and the Divisional Commissioner would be in a better position to assess the entire situation warranting transfer of the petitioner, the writ petition is disposed of with a direction that in the event the petitioner prefers a representation before the Divisional Commissioner in terms of para-4 of the transfer policy, within a period of 15 days from today, the said authority shall consider and decide the representation, at the earliest, preferably within a period of 6 weeks from the date of submission of representation.

Sd/-
Judge
(Prashant Kumar Mishra)