

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2852 of 2015

Smt. Gulamati Vishwakarma W/o Manoj Vishwakarma Aged About 47 years Presently Working As Lhv (Supervisor), Primary Health Center, Manoharpur, Shankargarh, District Balrampur- Ramanujganj (Chhattisgarh). Note: In The Impugned Order The Name Of The Petitioner Has Wrongly Been Mentioned At S. No. 16 As Smt. Gulabmati Vishwakarma

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Health & Family Welfare, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur (Chhattisgarh).
2. Commissioner, Sarguja Division, Ambikapur (Sarguja). Chhattisgarh.
3. Collector, Balrampur- Ramanujganj (Chhattisgarh).
4. Chief Medical & Health Officer, Balrampur- Ramanujganj (Chhattisgarh).

---- Respondent

For Petitioner	: Shri Jitendra Shrivastava, Advocate.
For Respondent	: Shri Prasoon Bhaduri, G.A. for the State.

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

07/08/2015

Challenge in the present petition is to the order dated 20.07.2015 (Annexure P-1) passed by respondent No.3 whereby the petitioner who is working as LHV (Supervisor) from Primary Health Centre Manoharpur, Shankargarh has been transferred to Primary Health Center Balangi.

Counsel for the petitioner submits that the petitioner is a lady and the place where she has been transferred is about 200 kms. away from her present place of posting. It has been argued that the son of the petitioner who is aged about 17 years is suffering from sickle cell and if the petitioner is compelled to move on the transferred place she will suffer an irreparable loss.

State counsel submits that even otherwise as per the transfer policy (Annexure P-3) the petitioner can make representation before the Commissioner. He however submits that let the petitioner make a representation before the competent authority and the same may be decided in accordance with law.

At this stage, counsel for the petitioner seeks permission to withdraw this petition with liberty to file representation. He however submits that till the petitioner files representation and the same is decided she may not be relieved from her present place of posting.

The present petition is disposed of permitting the petitioner to file detailed representation within 10 days from today before the competent authority and in the eventuality of petitioner filing any such representation within the same period, it is expected from the Commissioner to decide the said representation within a further period of three weeks from the date of receipt of the said representation, strictly in accordance with law.

Till four weeks from today, the parties are directed to maintain status quo in respect of the posting of the petitioner.

Sd/-

Pritinker Diwaker
Judge