

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 449 of 2015

Smt. Udsiya Netam Wd/o Late Gannu Lal Netam, Aged About 35 Years Working As A N M, Sub Health Centre, Madiyan, Tahsil Dongargarh, District- Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

1. Shri Mukesh Bansal , Collector, Rajnandgaon, District- Rajnandgaon, Chhattisgarh
2. C. S. Mohle, Chief Medical & Health Officer, District Hospital, Rajnandgaon, Chhattisgarh

---- Respondents

For Petitioner	: Shri B.P.Singh, Advocate
For Respondent	: None present.

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

29/09/2015

Heard on admission.

2. Vide order dated 20.07.2015, the petitioner was transferred from Sub Health Centre Madiyan Dongargarh to Sub Health Centre Karelagarh, Khairagarh. Aggrieved by the said order, W.P.(S) No. 2861/2015 was filed by the petitioner before this Court. On 07.08.2015, the said writ petition was withdrawn by the petitioner with liberty to file representation before the authority concerned in accordance with law. This Court had permitted the petitioner to file representation within ten days from 07.08.2015 and the authority concerned was directed to decide the same within a further period of four weeks. Till four weeks from 07.08.2015 the protective order was also passed in favour of the petitioner.

3. This contempt petition has been filed by the petitioner inter alia pleading that after passing of the order by this Court, on 12.08.2015 and 17.08.2015 representations were made by the petitioner but without deciding the same, on 17.09.2015 the petitioner has been relieved.

4. According to the counsel for the petitioner, relieving of the petitioner vide Annexure C/2 and C/3 is a contemptuous act on the part of the respondents.

5. Heard counsel for the parties and perused the record.

6. While withdrawing the writ petition, counsel for the petitioner sought liberty to file representation against the order of transfer. From the documents filed by the petitioner it nowhere reflects that any representation was filed by the petitioner before the concerned authority seeking cancellation of her transfer. In fact Annexure C/2 and C/3 are the letters written by the petitioner to the competent authority giving her joining. It is thus clear that the petitioner never made any representation as sought by her and instead she just gave intimation of her joining.

7. Considering this aspect of the case, if the petitioner has been relieved on 17.09.2015, in the considered opinion of this Court the respondents have not committed any contempt of this Court. The petition has no substance, the same is accordingly dismissed at the motion stage itself.

Sd/-

Pritinker Diwaker
Judge