

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3399 of 2015

1. 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)

---- 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, Sarguja (Ambikapur), (Chhattisgarh)
3. Collector, Balrampur-Ramanujganj, (Chhattisgarh)
4. Chief Medical & Health Officer, Balrampur-Ramanujganj, (Chhattisgarh)

---- Respondents

For Petitioner	Shri Jitendra Shrivastava, Advocate
For Respondent/State	Shri Sangharsh Pandey, Dy. GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

18/09/2015

1. The petitioner would call in question the order (Annexure-P-1), whereby the Commissioner, Sarguja Division has rejected her representation against the order dated 20.07.2015 (Annexure-P-2), whereby she was transferred from Primary Health Centre, Manoharpur, Shankargarh to Primary Health Centre, Balangi.

2. It is urged that the petitioner is working as Lady Health Visitor (LHV) (Supervisor) and is, thus, lowly paid employee, yet she has been transferred to a place, which is about 200 kms. from the present place of posting. It is also stated that her son, aged about 17 years, is suffering from sickle cell anaemia and is obtaining treatment at Ambikapur and Bilaspur, therefore, the impugned order would uproot the family and cause immense hardship.
3. The order of transfer has been issued by the Collector, Balrampur-Ramanujganj to transfer employees of the Health Department within the district. It is a matter of common knowledge that large number of population in the State are suffering from sickle cell anaemia. It is not such a disease, which requires constant and emergency treatment. It has not been stated in the writ petition as to the petitioner's tenure at the present place of posting. The petitioner has been transferred on administrative grounds. While rejecting her representation, the Commissioner, Sarguja Division has observed that the transferred place is well connected by road network and the transfer order does not suffer from violation of any policy/guidelines.
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*

¹ 1974 (4) SCC 3

*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. Petitioner has not raised any such ground which would compel this Court to exercise jurisdiction under Article 226 of the Constitution of India.

6. As a result, the writ petition, being devoid of merit, is liable to be and is hereby dismissed.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Gowri

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