

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9855 of 2016

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Chanda Kumari Daughter of late Jagarnath Prasad, Chief Matron, N.F. Railway Hospital, P.S.- Katihar, District- Katihar.

.... Petitioner/s

Versus

1. The Union of India through The General Manager, North Frontier, Maligaon (Gauhati).
2. The General Manager (Personnel), North Frontier Railway, Maligaon (Gauhati).
3. The Chief Medical Director, North Frontier Railway, Maligaon (Gauhati).
4. The Divisional Railway Manager, North Frontier Railway, Katihar
5. The Chief Medical Superintendent, North Frontier Railway, Katihar.
6. The Senior Divisional Personnel Officer, North Frontier Railway, Katihar
7. Dr. P. Mondal, the Chief Medical Superintendent, North Frontier Railway, Katihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prashant Sinha, Advocate

For the Respondent/s : Mr. Anil Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 27-06-2016

The order dated 12th March, 2016 passed by the Central Administrative Tribunal, Patna Bench, Patna (in short ‘Tribunal’) is the subject matter of challenge in the present writ petition.

The petitioner in the present petition has challenged her transfer order dated 21st January, 2016 from the post of Chief Matron, Katihar to Railway Hospital, New Jalpaiguri against the existing vacancy. The challenge to the said order is on the ground of *mala fide* action of the respondent no. 7 and, therefore, not warranted.

During the course of hearing, learned counsel for the petitioner has admitted that the petitioner has worked at Katihar for 6 to 7

years. Having worked for that long period, transfer to another station can be said to be only on the administrative exigency. Having said so, we may notice that earlier, on 7th August, 2013, she was assigned duty in kitchen, but she sought exemption from the charge of kitchen vide representation dated 12th September, 2013. The petitioner was advised to take charge but she did not take charge. Ultimately, she was charge sheeted on 15th December, 2015 for violating the order dated 7th August, 2013. An Enquiry Officer has been appointed to enquire into the charges.

The grievance of the petitioner is that she has been ordered to be transferred when she was seriously ill. The illness of the petitioner is a temporary, but that will not entitle the petitioner to resist the order of transfer when she was being transferred after more than six years at one station.

We do not find any error in the order passed by the Tribunal which may warrant interference in the present petition.

The writ petition stands dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	NAFR
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