

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2260 of 2016

Ku. P. Saloman D/o Late Shri David Saloman, Aged About 48 Years Presently Posted And Working As L H V (Lady Health Visitor), Sector Nayapara, Community Health Center, Belha, Distt. Bilaspur (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. Director, Health Services, Chhattisgarh, Indrawati Bhawan, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur (Chhattisgarh)
3. Joint Director (Nursing), Directorate Of Health Services, Indrawati Bhawan, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur (Chhattisgarh).
4. Divisional Joint Director, Health Services, Bilaspur (Chhattisgarh).
5. Collector, Bilaspur, Dist. Bilaspur (Chhattisgarh).
6. Chief Medical And Health Officer, Bilaspur, Dist. Bilaspur (Chhattisgarh)
7. Block Medical Officer, Community Health Center, Belha, Dist. Bilaspur (Chhattisgarh)
8. Smt. Namita Biswas, Presently Posted And Working As L H V (Lady Health Visitor), Sector Nayapara, Community Health Center, Belha, Dist. Bilaspur (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri B.D. Guru, Advocate
For State	:	Shri Gary Mukhopadhyay, Dy. Govt. Advocate

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

21/06/2016

Heard on admission.

1. Transfer order has been challenged mainly on the ground that the order has

been passed by an authority which is not competent and that the transfer order is in violation of the policy of rationalization under which the employee, who has been posted later on, has to be treated as surplus.

2. Learned counsel for the petitioner submits that a representation has been made which has remained undecided without any consideration.
3. As far as ground jurisdiction is concerned, the order shows that it was passed after due approval of the Collector. Therefore, ground of absence of jurisdiction is not made out. However, the other ground that it is not the petitioner, but respondent No.8 who ought to be treated as surplus as per rationalization policy, requires consideration by respondent No.5. Let representation of the petitioner be decided within a period 15 days from the date of receipt of copy of this order. Till that time, no coercive steps shall be taken against the petitioner.
4. The petition is accordingly finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge