

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3531 of 2016

Dr. Santosh Kumar Sinha S/o Shri B. P. Sinha, Aged About 37 Years Medical Officer, R/o G/1, Primary Health Centre, Pachpedhi, Masturi, P. S. Masturi, District Bilaspur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Under Secretary, Department Of Health And Family Welfare, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh)
2. Chief Medical And Health Officer, Bilaspur (Chhattisgarh)
3. Block Medical Officer, Block Masturi, Distt. Bilaspur (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Chandresh Shrivastava, Advocate
For State	:	Shri R.K.Gupta, Dy.A.G., on advance copy

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

Order On Board

09/08/2016

1. Transfer order has been challenged on the ground that it violates the transfer policy because the petitioner is being sent from one Primary Health Centre to other Community Health Centre resulting in less number of doctors at the present place of posting and more doctors at the transferred place. The other ground is that the petitioner has been subjected to frequent transfers and within a period of 3 years, this is the 4th transfer order. Third ground is that wife of the petitioner is also posted at Bilaspur which is nearer to his present place of posting and now petitioner's place of posting would be at a distance of more than 100 k.m.
2. The exigency of posting of medical officer may be due to various reasons. It is for the competent authority to decide where the services of a medical officer are

needed or more needed. There are no allegation of malafide against the officer who has issued transfer order. The petitioner was posted at the present place from 18.3.2015. Now, after about more than one year and four months, he has been subjected to transfer. In the transfer policy, it was provided that after one year, an employee can be transferred from one place to other. The third ground that petitioner should be posted at or nearby place of posting of his wife, may require consideration by the competent authority.

3. The petitioner may prefer representation to the authority to post him and his wife at the same or nearby station, in future. If such representation is made by the petitioner, the same shall be considered and decided by the transferring authority within a period of 4 weeks.
4. With the aforesaid observations, the petition is finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge