

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3668 of 2016

Santosh Kumar Jaiswal S/o Shri Bodh Ram Jaiswal Aged About
36 Years Pharmacist Ayurved, R/o Village Chakarbhata, Tahsil
And District Mungeli Chhattisgarh

---- Petitioner

Versus

State Of Chhattisgarh Through The Secretary, Department Of
Health And Family Welfare, Mantralaya, Mahanadi Bhawan, New
Raipur, Tahsil And Distirict Raipur Chhattisgarh

---- Respondent

For Petitioner	:	Shri Ritesh Verma, Advocate
For State	:	Shri Dheeraj Wankhede, G.A., on advance copy

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

Order On Board

11/08/2016

Heard on admission.

1. The transfer order is under challenge on the ground that shortly after two years, the petitioner is being posed to a place where earlier he had remained posted in Raigarh District. He submits that the main operative reason for shifting the petitioner is that another Pharmacist has been transferred on his own request. Therefore, it is a case of malafide accommodation.

2. The petitioner has remained posted at the present place of posting ever since 30.06.2014. The impugned transfer order has been passed on 28.07.2016 i.e. more than two years. Therefore, it cannot be said to be a case of frequent transfer or a transfer within a very short period. As the transfer of the petitioner has become due, adjustment of any other person at the place of the petitioner either in exigency of service or on his own request, cannot be said to be a malafide accommodation.

3. The submission of the petitioner that the petitioner was posted in scheduled area, therefore, he cannot be again sent back to the scheduled area. This ground cannot be accepted because there is nothing in the policy which says that after having served in the scheduled area, an employee cannot be again sent back to the scheduled area. The petition has no merit and is therefore dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Rekha