

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4725 of 2016

Smt. Anita Nathwani W/o Shri Mukesh Nathwani, Aged About 38 Years R/o Nawapara, Rajim, District Raipur Chhattisgarh Civil And Revenue District Raipur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Ministry Of Health And Family Welfare Mantralaya, Mahanadi Bhawan, Naya Raipur District Raipur Chhattisgarh
2. The Collector, District Mahasamund Chhattisgarh
3. Smt. Jyotsana Chandrakar, Gramin Swasth Sanyojak, Kamrod, Block Development, Bagbahra, District Mahasamund Chhattisgarh

---- Respondents

For Petitioner	:	Shri B.P. Sharma and Ms. Tuhina Pandey, Advocates
For State	:	Shri S.P. Kale, Dy. A.G.

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

Order On Board

14/09/2016

Heard.

1. The transfer order is under challenge on the ground that the petitioner is being transferred only to accommodate respondent No.3, therefore, it is a malafide exercise of powers. The other ground of challenge is that the petitioner is presently posted in Primary Health Centre and from here, she is being transferred to Sub-Health Centre which will prejudicially affect the petitioner.
2. On petitioner's own showing, she has remained posted at present place for last about 8 years. This shows that the petitioner has become due for transfer.

Once the petitioner has completed normal tenure of service at a particular station, that by itself constitutes an administrative exigency. If on account of such administrative exigency, some other person is accommodated at the place, on request, it cannot be said to be a case of malafide accommodation. Accommodation of an employee in the matter of transfer is not always malafide, it may be bonafide also. It is not a case that the petitioner is being transferred without completing normal period of stay, only to extend undue favour to some other employee. Therefore, this ground fails.

Petitioner's transfer from Primary Health Centre to Sub- Health Centre does not visit any adverse civil consequence in term of perks, pay and seniority which the petitioner is presently enjoying. By abundant caution, it is clarified that transfer of the petitioner from Primary Health Centre to Sub- Health Centre shall not adversely affect any terms and conditions of service.

3. Learned counsel for the petitioner at the last submits that there are certain personal difficulty of the petitioner which the petitioner intends to represent so as to modify transfer order, to post the petitioner to a nearby station.
4. As far as this aspect is concerned, if the petitioner represent to the authority, the same shall be considered and decided within a period of 4 weeks.
5. With the observation and direction as above, the petition is finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge