

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5646 of 2016

Smt. Anuplata Khaparde W/o Shri Pramod Khaparde, Aged About 48 Years
Stafnurs, City Dispensary Sakri R/o Gram Sakri Thana Chakarbhatta Revenue &
Civil District Bilaspur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Swasthya Avm Pariwar Kalyan Vibhag
State Of Chhattisgarh Mahanadi Bhawan, Mantralay Naya Raipur, District Raipur
(Chhattisgarh)
2. Director, Sanchalnalay Swasthya Sewaye Chhattisgarh Naya Raipur Chhattisgarh
3. Collector, Karyalay Collector Bilaspur District Bilaspur (Chhattisgarh)
4. Mukhya Chikitsa Avm Swasthya Adhikari, Karyalay Mukhya Chikitsa Avm
Swasthya Adhikari Bilaspur, District Bilaspur Chhattisgarh
5. Block Medical Officer, Samudayik Swasthya Kendra Sakri District Bilaspur
(Chhattisgarh)
6. Incharge Medical Officer, Harijan Visheshansh Aushdhalay Sakri District Bilaspur
(Chhattisgarh)
7. Ku. Rajni Koshle, Prathmik Swasthya Kendra Navagaon Salfa Kota Vikashkhand
Kota District Bilaspur (Chhattisgarh)

---- Respondents

Shri Abdul Wahab Khan, counsel for the petitioner/s.
Shri D.R.Minj, Dy.G.A. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

18/10/2016

Transfer order is under challenge mainly on two grounds -

Firstly that the distance of present place of posting of the petitioner and that
of her husband's place of posting is hardly 50 kms. By impugned order, the
petitioner has been transferred to Health Centre at Bamnidih in District – Janjgir –
Champa, which is about 130 kms. away.

Second ground is that the transfer is being made to accommodate respondent No.7.

2. On petitioner's own showing, the petitioner has remained posted at the present place since 1998. Therefore, that by itself constitute administrative exigency to transfer the petitioner to another station. Therefore, the petitioner cannot have any grievance of any malafide accommodation merely because some other employee has been transferred on her own request at the present place of posting of the petitioner.

3. As far as other ground is concerned, there exists Government's policy to keep husband and wife together at same station or at nearby station, as far as possible. However, this is subject to administrative exigency and while transferring, the policy have to be kept in mind, subject to administrative exigency. It is found that the petitioner's husband is posted at Paunsara in District – Bilaspur and the petitioner has been transferred to District – Janjgir – Champa. Therefore, in these circumstances, though the petitioner is liable to be transferred and posted to another place, keeping in view the policy of the Government to keep the husband and wife together as far as possible, subject to administrative exigency, it would be proper to approach the transferring authority / respondent No.1 to consider her posting at any nearby station where the husband of the petitioner is posted, if possible, subject to administrative exigency.

4. The petition is accordingly disposed off with a direction that if representation is made by the petitioner within 10 days from the date of receipt of copy of this order, the same shall be considered and decided by the authorities within a period of four weeks to explore possibility of giving posting at any nearby station.

Sd/-

(Manindra Mohan Shrivastava)

Judge