

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No.4006 of 2016**

- Tarini Kanouje W/o Shri Harish Chandra, Kanouje, Aged About 23 Years
Working As Rural Health Organizer Female, Sub Community Health Center
Rohansi, Block Palari District Baloda Bazar, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Thorough Secretary, Health Department, Mahanadi
Bhawan, Mantralaya, Naya Raipur, Chhattisgarh
2. Collector, Baloda Bazar Bhatapara Chhattisgarh
3. Chief Medical And Health Officer, Baloda Bazar Bhatapara Chhattisgarh
4. Block Medical Officer, Community Health Center, Palari, District Baloda Bazar
Bhatapara Chhattisgarh

---- Respondents

For Petitioner	:	Shri CJK Rao, Advocate
For Respondent/State	:	Shri Sangharsh Pandey, Dy.GA

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****23/08/2016**

Heard.

2. The transfer order is under challenge on the ground that the State Government transferred the petitioner vide order dated 30-07-2016 from Sub Health Centre Chuchrungpur, Palari to Primary Health Centre, Patsendari, Saraipali, District Mahasamund, but on the same date, another order was passed by the Collector, after taking approval from the In-charge Minister, transferring the petitioner from Sub Health Centre Chuchrungpur, Palari to Sub Health Center, Rohansi, which was immediately carried out by the petitioner by joining at Rohansi, which is in the same block.

3. Learned State counsel draws attention of this Court to clause 3.3 of the State

Government Transfer Policy dated 11-06-2016, which shows that in case of any discrepancy, order passed by the State Government shall prevail. Both the orders have been passed on the same date, therefore, order passed by the State Government has to prevail. Hence, on this ground, no interference is called for.

4. The other ground of challenge to the transfer order is that the husband of the petitioner is posted as AG-III at Primary Health Center, Chuchrungpur, Block Palari. By transferring the petitioner to another Sub Health Center, the transfer policy of the government has been violated as the petitioner and her husband has not been kept at the same or nearby stations. New place of posting of the petitioner is about 120 KM away.

5. The petitioner has remained posted at Chuchrungpur since 15-12-2013, that means, the petitioner has become due for transfer from the present place of posting. However, considering that there is a policy of the government to keep husband and wife together either at the same station or nearby station as far as possible, subject to administrative exigency, the case of the petitioner requires consideration on this aspect. If the petitioner prefers representation within a period of 10 days from today, the transferring authority shall explore the possibility to keep the petitioner and her husband either at the same station or nearby station of posting of the petitioner. Representation of the petitioner shall be considered and decided by the transferring authority within a period of four weeks.

6. With the aforesaid observation, this petition is finally disposed off.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge