NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4871 of 2016

Dr. Omkar Lal Burman S/o Shri Parasram Burman, Aged About 50 Years Occupation Service, Posted As Health Officer, Community Health Centre Marwahi, P. S. Marwahi, Civil & Revenue Distt. Bilaspur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Health & Family Welfare Department Mahanadi Bhawan, Capital Complex New Raipur, Distt. Raipur (Chhattisgarh)

2. Chief Medical & Health Officer, Bilaspur, District Bilaspur (Chhattisgarh)

---- Respondents

For Petitioner : Shri Sumit Shrivastava, Advocate
For State : Shri Bhaskar Payashi, Panel Lawyer

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

Order On Board

19/09/2016

1. Heard.

2. The transfer order is under challenge on the ground that while transferring the petitioner from Community Health Centre, Marwahi to Community Health Centre, Manendragarh, policy of the Govt. to keep husband and wife together at one or nearby place as far as possible, subject to administrative exigency, has not been kept in view. It is submitted that by the transfer order, the petitioner is now being sent to a place which is about 110 k.m. away. It is also submitted that son of the petitioner is studying in Bilaspur.

3. The petitioner is posted at Community Health Centre, Marwahi since 2012. The wife of the petitioner is also posted at Community Health Centre, Bilha as ANM (Auxiliary Nursing Midwife) since 2014. Therefore, it is not a case where

the petitioner and his wife have been posted at the same place. It is also seen that the petitioner has already completed normal tenure of posting at the present place, therefore, he has become due for transfer. However, keeping in view the Govt. policy, the respondent may explore the possibility to post the petitioner and his wife together at one or nearby station.

4. It the petitioner moves a representation to the competent/transferring authority raising his grievance, the same shall be considered and decided within a period of 4 weeks from the date of receipt of the representation.

5. With the observation and direction as above, the petition is finally disposed off.

Sd-
(Manindra Mohan Shrivastava)
Judge

Praveen