

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3963 of 2016

Chandrabhushan Mahto S/o Kapil Narayan Mahto, Aged About 51 Years Working As Clerk, Grade- I, S E C L, Dipka, District Korba (Chhattisgarh).

---- Petitioner

Versus

1. South Eastern Coal Field Limited, Through Chief Managing Director, S E C L, Head Quarter, Seepat Road, Post S E C L, Post Box No. 60, P. S. Sarkanda, District Bilaspur (Chhattisgarh).
2. General Manager (Personal/ Manpower) S E C L, Seepat Road, Post S E C L, Post Box No. 60, P. S. Sarkanda, District Bilaspur (Chhattisgarh).
3. General Manager, Dipka Area Korba, District Korba (Chhattisgarh).

---- Respondents

For Petitioner	:	Shri CJK Rao, Advocate
For Respondent-SECL	:	Shri K.K. Shrivastava, on advance copy

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

Order On Board

23/08/2016

Heard on admission.

1. The petitioner had earlier filed petition challenging the transfer order on medical grounds. The petition was disposed off with the direction for consideration of representation.
2. The representation of the petitioner has been rejected by impugned order dated 06.08.2016, giving rise to this petition.
3. Learned counsel for the petitioner submits that the respondents

have not correctly assessed medical condition of the petitioner and though he is suffering from kidney ailment, the petitioner has been transferred to a place where there is no proper facility similar or equivalent to that which the petitioner was receiving while remaining posted at Dipka Area Korba.

4. The aspect of personal difficulty and medical ailment are matters of subjective satisfaction by the competent authority. This Court cannot substitute its view on the medical condition of the petitioner. It is found that the place where the petitioner was posted, is not a district headquarter but far area and he has been posted to another place which appears to be similar area. The petitioner does not appear to be affected by transfer.

5. Learned counsel for the respondents submits that there is well-equipped medical facility at or nearby place where the petitioner has been posted and as and when medical facilities are required by the petitioner, those facility shall be promptly provided to him and if need arises, he shall be referred for treatment to nearest hospital providing better treatment.

6. In view of the above, no interference is called for. The petition is therefore dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge