

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4828 of 2016

Smt. Sangeeta Gupta W/o Devesh Kumar Gutpa, Aged About 32 Years Working As A Staff Nurse, Posted At Primary Health Centre, Batouli, Distirct Surguja Chhattisgarh
R/o Village & Post Batouli, Tahsil And Distirct Surguja Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Health & Family Welfare Mahanadi Bhawan, Mantralaya, New Raipur, Police Staiton Rakhi, District Raipur Chhattisgarh
2. The Collector, Surguja Ambikapur, Distirct Surguja Chhattisgarh
3. Chief Medical And Health Officer, Ambikapur, District Surguja Chhattisgarh
4. Block Medical Officer, Batouli, District Surguja Chhattisgarh
5. Block Medical Officer, Mainpat, District Surguja Chhattisgarh

---- Respondents

Shri Umesh Pandey, counsel for the petitioner/s.
Shri D.R.Minj, Dy.G.A. for the State / respondents on advance copy.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/09/2016

The transfer order is under challenge on the ground that while transferring the petitioner, policy of keeping husband and wife together either at the same station or at nearby station, as far as possible, subject to administrative exigency, has not been kept in view.

2. Learned counsel for the petitioner submits that the husband of the petitioner is posted at Parwatipur, which is only 8 kms. away from the present place of posting of the petitioner and now, by impugned transfer order, the petitioner is being transferred to Mainpat which is about 70 kms away and it may cause serious hardship to the petitioner. It is also submitted that the son of the petitioner is suffering from heart disease and is required to be frequently taken to Delhi for

treatment.

3. The petitioner has already completed seven years of posting at the present place. Therefore, she has been posted to a place which is hardly 70 kms. away. The petitioner has remained posted at the present place since 2009. Therefore, she has become due for transfer. Presently, her husband is posted only 8 kms. away. The petitioner also states regarding treatment of her ailing son. Therefore, though in exigency of service, the petitioner, due to overstay at the present place could very well be transferred to any other station, the transferring authority may consider the aspect of personal grounds and post any other officer in place of the petitioner at Mainpat, if possible, in administrative exigency.

4. It is stated that representation has already been preferred. Therefore, it is directed that the representation of the petitioner may be considered by the Collector within a period of 15 days from the date of receipt of copy of this order.

5. With the aforesaid observations, the petition is finally disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge