

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5936 of 2014

- Smt. Rajani Singh W/o Shri Abhay Singh Aged About 32 Years Presently Working As Auxiliary Nursing Midwife (A.N.M.) At Central Jail, Ambikapur, Ps Kotwali, Ambikapur, Distt Surguja, Cg

---- Petitioner

Versus

1. The State Of Chhattisgarh Through The Secretary, Health Department, Mahanadi Bhawan, Mantralaya, New Rajdhani, Ps Rakhi, Dist Raipur, Cg
2. The State Of C.G. Through The Secretary, Home Department, Mahanadi Bhawan, Mantralaya, New Rajdhani, Ps Rakhi, Dist Raipur, Cg
3. The Directorate Health Services, Chhattisgarh, Through The Director, Health Services, C.G., Indrawati Bhawan, mantralaya, New Rajdhani, Ps Rakhi, Dist Raipur, Cg
4. The Commissioner Health Services Division Surguja, Ps & Tah Ambikapur, Dist Surguja, Cg
5. Chief Medical Officer, Balrampur, Ps Balrampur, Dist Balrampur, Cg
6. The Secretary Jail Department, Mahanadi Bhawna, Mantralaya, New Rajdhani, Ps Rakhi, Dist Raipur, Cg
7. The Jail Superintendent Central Jail, Ambikapur, Ps Kotwali, Ambikapur, Dist Surguja, Cg

---- Respondents

And

WPS No.2588 Of 2017

- Smt. Rajani Singh W/o Shri Abhay Singh, Aged About 35 Years Presently Working As Auxilliary Nursing Midwife (A. N. M.) At Central Jail, Ambikapur, Police Station Kotwali Ambikapur, Tahsil Ambikapur, District Surguja (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through : The Secretary, Health Department, Mahanadi Bhawan, Mantralay, New Rajdhani, P. S. Rakhi, Tahsil & District Rapur (Chhattisgarh)
2. The State Of Chhattisgarh, Through The Secretary, Home Department, Mahanadi Bhawan, Mantralay, New Rajdhani, P. S. Rakhi, Tahsil &

District Raipur (Chhattisgarh)

3. The Directorate, Health Services, Chhattisgarh, Through : The Director, Health Services, Chhattisgarh, Indrawati Bhawan, Mantralay, New Rajdhani, P. S. Rakhi, Tahsil & District Raipur (Chhattisgarh)
4. The Commissioner, Health Services, Division Surguja, Police Station And Tahsil Ambikapur, District Surguja (Chhattisgarh)
5. Chief Medical Officer, Balrampur, Police Station Balrampur, Tahsil & District Balrampur (Chhattisgarh)
6. The Secretary, Jail Department, Mahanadi Bhawan, Mantralay, New Rajdhani, P. S. Rakhi, Tahsil & District Raipur (Chhattisgarh)
7. The Jail Superintendent, Central Jail, Ambikapur, Police Station Kotwali Ambikapur, Tahsil Ambikapur, District Surguja (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri S. C. Verma, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

10/08/2017

Heard.

2. The petitioner was earlier transferred vide order dated 20-10-2014. The legality and validity of the order was challenged in WPS No.5936/2014. This Court passed the interim order on 19-11-2015 that no coercive steps shall be taken against the petitioner till the next date of hearing. The interim order was continued. The petition has remained pending and interim order was continuing.
3. Without seeking leave of the Court and without cancelling the earlier order of transfer, the respondents have again transferred the petitioner by the impugned order of transfer passed on 22-05-2017 filed along with WPS No.2558 of 2017, by which, the petitioner has been repatriated.
4. Learned counsel for the parties jointly submit that the impugned order

dated 22-05-2017 has now been withdrawn.

5. Learned counsel for the petitioner, however, submits that in the past also, the petitioner was subjected to frequent transfer and the moment, the order was challenged before the Court, the order of transfer was cancelled.

6. At this stage, when order dated 22-05-2017 has been cancelled and there is no transfer order of the petitioner, I am not inclined to pass any further order in the matter. However, it is made clear that the matter would call for consideration, in case, occasion so arises in future.

7. The writ petition (WPS No.5936 of 2014) has remained pending for the last almost three years and the transfer order challenged therein has remain stayed. Without commenting upon the merits of the case, taking into consideration this aspect of the matter that the transfer order could not be implemented because of the interim order passed by this Court, at this stage, I am inclined to dispose off these petitions with a direction that the transfer order dated 20-10-2014 shall not be given effect to any more. However, if exigency of service of public interest is required, the power of transfer could be exercised by the authorities.

8. In view of aforesaid observation, both petitions are finally disposed off.

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