

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5286 of 2017

Rakesh Kumar Kashyap S/o Shri Kirti Kumar Kashyap, Aged About 25 Years Ward Boy, Class I V Community Health Centre Bori, Tahsil Dhamdha, District Durg Chhattisgarh

---- Petitioner

Versus

1. Chief Medical And Health Officer Distt. Durg 491001 Tah. & Disst. Durg Chhattisgarh.
2. Shri Prem Lal Dhankar, Ward Boy, Class I V Community Health Centre Utai, Tahsil Durg, Block Durg, District Durg Chhattisgarh

---- Respondent

Shri V.G.Tamaskar, counsel for the petitioner/s.
Shri Chandresh Shrivastava, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06/10/2017

The transfer order is under challenge on the ground that the petitioner is being transferred to another place only to accommodate respondent No.2 against whom, there were allegations of misconduct for which, he has been punished also vide order dated 22/09/2017 of the Chief Medical and Health Officer, District Durg.

2. It appears that respondent No.2, while remaining posted as Ward Boy at Utai, Community Health Centre, was alleged to have committed certain misconduct, for which, penalty of withholding one increment without cumulative effect was imposed on him and immediately thereafter, he was transferred also from that place which has resulted in transfer of the petitioner.

3. Therefore, on the face of it, the transfer is only on administrative exigency because the respondent authority wanted the said employee to be transferred from the place where he was alleged to have committed mis-conduct, abused and entered into quarrel with male and female employees of the Community Health Centre, Utai.

It is not a case that the petitioner has been subjected to very frequent transfer. He has been transferred to a place which is hardly 50 kms. from the present place of posting. Therefore, no case is made out. The petition is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Deepti