

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5437 of 2017

Smt. Tripti Dewangan W/o Shri R.K.Dewangan, Aged About 32 Years
Presently Working As Pharmacist Grade - I I Primary Health Centre, Patadi,
District Korba Chhattisgarh. **---- Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Health And Family Welfare, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur Chhattisgarh.
2. State Of Chhattisgarh, Through The Under Secretary, Department Of Health And Family Welfare, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur Chhattisgarh.
3. The Chief Medical And Health Officer, District Hospital Korba, District Korba Chhattisgarh. **---- Respondents**

For Petitioner	:	Mr. Sudeep Agrawal, Advocate
For State	:	Mr. Avinash Singh, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

13.10.2017

Heard.

1. The petitioner has challenged the transfer order firstly on the ground that in the transfer order, the place of posting of the petitioner has been wrongly shown as Primary Health Centre, Bhilaibazar, District Korba whereas in 2012, the Collector had transferred the petitioner on her own request to Primary Health Centre, Patadi. The next other ground is that the place where the petitioner is posted is nearer to the place of the petitioner's husband, who is working in the Railway.
2. It appears that the Collector in its own level, transferred the petitioner from Bhilaibazar to Primary Health Centre, Patadi. This fact apparently was not known to the transferring authority while issuing the transfer order with the result that the petitioner's posting prior to her transfer to Primary Health

Centre, Patadi has been shown. This matter would require consideration.

3. The competent authority would examine this aspect as the petitioner has already completed about 5 years of posting at the present place, the petitioner has become due for transfer. However, for transferring the petitioner, the order would require proper correction if the petitioner is intending to be transferred.
4. The other ground of adjustment with the husband is not protected under any policy of the State Government because the husband of the petitioner is in Railway and not in the State Government Service. However, till the order of transfer is corrected showing the transfer in correct position of the petitioner, the petitioner should not be compelled to proceed on transfer. The protection shall be available to the petitioner only when the petitioner submits certified copy of the order along with representation before the respondent No.1 & 3 within a period of three weeks and if that is done, the same shall be decided within a further period of 4 weeks.
5. The petition is accordingly disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge