

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 303 of 2017

- Smt. Asarekha Vaishnav W/o Shri Santosh Vaishnav, Aged About 50 Years, working as Rural Health Convener (Mahila), At Primary Health Center Udiyakala, Block-S. Lohara, District Kabirdham (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Health Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur (Chhattisgarh)
2. Chief Medical and Health Officer, District Kabirdham, Chhattisgarh

---- Respondents

For Petitioner	Shri Ajay Shrivastava, Advocate
For Respondent-State	Ms. K. Tripti Rao, PL

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

04/05/2017

1. A departmental enquiry was constituted against the petitioner on the charge mainly that she does not reside at the headquarter, thereby adversely affecting the 24 x 7 Institutional Delivery Programme of the State Government. While the petitioner was visited with penalty of stoppage of two increments with cumulative effect, by the same order, the petitioner was posted to a different place, which is assailed in this petition on the ground that change of place of posting amounts to transfer, which cannot take place during the ban period without the matter being routed

through the coordination.

2. Petitioner is enjoying interim relief by the order passed by this Court on 24.01.2017.
3. Considering the entire facts situation of the case and the administrative exigency which reflects in the impugned order itself, the writ petition is disposed of with direction that the respondents shall obtain *post facto* approval from the coordination within a period of two months from today. If the order is approved in coordination, the petitioner shall proceed to join at the newly posted place, however, if coordination is refused, the petitioner shall be allowed to continue at Primary Health Centre, Udiyakala, Block Sahaspura Lohara, District Kabirdham.
4. Till the matter is decided by coordination, the interim order passed earlier shall continue.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala