

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 964 of 2017

- Sanjay Kumar Narang, S/o Laksh Kumar Narang, Aged About 28 Years, R/o MED G - 1, Civil Lines, District Dhamtari (Chhattisgarh).

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Public Health & Family Welfare Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur (Chhattisgarh).
2. Director, Health Services Chhattisgarh, Indravati Bhawan, Naya Raipur, District Raipur (Chhattisgarh).
3. Chief Medical & Health Officer, At Dhamtari, District Dhamtari (Chhattisgarh).

---- Respondents

For Petitioner	Shri Vikram Singh, Advocate
For Respondent-State	Shri Rajendra Tripathi, PL

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

30/10/2017

1. Petitioner is aggrieved by the impugned transfer order, whereby he has been transferred as Pharmacist Grade-II, District Store Section (Storekeeper) to Primary Health Centre, Kharinga, Community Health Centre, Gujra, District Dhamtari.
2. It is argued that the impugned transfer order is a result of complaint made by some businessmen/suppliers to the People's Representatives, who in turn have made over the

complaint to the Chief Medical and Health Officer, Dhamtari, therefore, the impugned order is malafide. It is also argued that even the complaint was found to be baseless, as is clear from the document (Annexure-P-3) filed along with the rejoinder.

3. Per contra, learned State counsel would submit that from the report (Annexure-R-3), it would appear that the complaint against the petitioner was found to be proved on the basis of the statement recorded by the concerned office.
4. Whether or not the complaint was found to be proved, if the head of the office where the petitioner was working was of the opinion that on account of complaint, an administrative exigency has arisen necessitating petitioner's transfer to some other office, the petitioner cannot have any grievance of malafide action. If the People's Representatives have made over the complaint submitted by the Members of Public, for necessary action to the concerned office of the State Government, it is not a malafide action on the part of the People's Representatives or the Head of the Office. It is part of the system and the procedure, on which the Government functions. Since it is settled that a government servant has no right to continue at a particular place of posting, if there is any complaint against a government servant regarding his working or efficiency, it always remains open to the concerned head of the office to transfer the government servant, which is not punitive in nature.

5. Considering the entire facts situation of the case, the impugned transfer order does not suffer from any illegality or malafide. The writ petition has no substance, it deserves to be and is hereby dismissed.

Sd/-

Judge

Prashant Kumar Mishra

Nirala