

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 230 of 2019**

- Chandrakant Banjare S/o Shri Sukhlal Banjare Aged About 29 Years Working As Block Accounts Manager, Community Health Centre, Saraipali, District- Mahasamund, Chhattisgarh

----- Appellant

Versus

1. State Of Chhattisgarh Through Secretary, Health And Family Welfare Department, Mantralaya, Mahanadi Bhawan, New Raipur, District- Raipur, Chhattisgarh.
2. The Director Health Services Chhattisgarh, Indrawati Bhawan, New Raipur, District- Raipur, Chhattisgarh.
3. The Mission Director National Health Mission, Chhattisgarh, New Raipur, District- Raipur, Chhattisgarh.
4. The Chief Medical And Health Officer Mahasamund, Chhattisgarh.
5. The Block Medical Officer Community Health Centre, Saraipali, District- Mahasamund, Chhattisgarh.
6. Vinay Kumar Pradhan Block Accounts Manager, Community Health Centre, Tumgaon, District- Mahasamund, Chhattisgarh.

----- Respondent

For Appellant : Shri Raghvendra Pradhan, Advocate.
For Respondent/State : Shri Faiz Kazi, Panel Lawyer.
For Respondent No.6 : Shri CJK Rao, Advocate.

Hon'ble Shri Prashant Kumar Mishra, Ag. C.J. &
Hon'ble Shri Parth Prateem Sahu, J

Judgment On Board By Prashant Kumar Mishra, Ag CJ

16/04/2019 :

1. The appellant would assail the order passed by the learned Single

Judge on 20.3.2019 in WPS No.2038/2019 rejecting the appellant's prayer for interference with the order of transfer whereunder the appellant, who was working as Block Accounts Manager, Community Health Centre, Saraipali, has been transferred to Community Health Centre, Tumgaon, Block Mahasamund.

2. According to learned counsel for the appellant, the competent authority to pass transfer order was Mission Director whereas the order has been passed by the Chief Medical and Health Officer of District Mahasamund. The order is also assailed on the ground of violation of transfer policy.
3. A bare perusal of the order passed by the learned Single Judge would demonstrate that the appellant had earlier made an application for mutual transfer from Saraipali to Tumgaon. Therefore, if acting under the said request of the appellant, transfer order has been passed, the same cannot be assailed and the learned Single Judge has rightly dismissed the writ petition.
4. For the same reason, the ground relating to violation of transfer policy is also not available to the appellant, as the order has been passed on his own request. Even otherwise, transfer policy being mere guidelines is not enforceable.
5. There being no illegality or error of jurisdiction in the impugned order passed by the learned Single Judge, the Writ Appeal deserves to be and is hereby dismissed.

Sd/-

(Prashant Kumar Mishra)
Acting Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge

Barve