

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 4291 of 2019**

Dr. Shalini Jain W/o Shri R C Jain, Deputy Chief Medical Officer, Burhar, Central Hospital , S E C L, Sohagpur Area, District Sahdol Madhya Pradesh., District : Shahdol, Madhya Pradesh

---- Petitioner**Versus**

1. South Eastern Coal Fields Limited Through The Chief Managing Director, Head Office Bilaspur Chhattisgarh.
2. The Director (Personnel) S E C L Head Office Bilaspur Chhattisgarh.
3. Chief Medical Services S E C L Head Office Bilaspur Chhattisgarh.
4. General Manager S E C L Sohagpur Area, P O Dhanpuri, District Sahdol Madhya Pradesh.
5. General Manager Executive Establishment, S E C L, Head Office Bilaspur Chhattisgarh.
6. Incharge Chief Medical Surgeon, Burhar Central Hospital, S E C L, Sohagpur Area, Post Office Dhanpuri, Sahdol Madhya Pradesh.

---Respondents

For Petitioner	:	Mr. Prateek Sharma, Advocate.
For Respondents	:	Ms. Astha Shukla on behalf of Mr. Vaibhav Shukla, Advocates.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****19/06/2019**

1. The Challenge in the present writ petition is to the Annexure P-1 dated 20.02.2019, by the said order, the petitioner has been transferred from the Hospital of respondent located at Sohagpur area to hospital of Johilla Area.
2. The contention of the petitioner is that the said order has been passed with malafide intention and moreover the impugned order also is not on administrative exigency for the reason that the petitioner is an anesthetist and she is being sent to hospital where no surgeries are conducted, operation theater is not functional for

quite some time and therefore it would be situation that the petitioner literally sit idle without any work.

3. The further contention of the petitioner is that the impugned order is also bad in law for the reason that the person transferred along with the petitioner has not been relieved till date, whereas the petitioner has been relieved immediately with malafide intention. On a query being put to the counsel for the petitioner, he fairly submits that the petitioner was posted at the present place of posting for the last 6 years.
4. Perusal of records would show that the husband of the petitioner also was a Doctor at the same place who was transferred to a different place therefore he resigned from the company and started his private practice as is evident from Annexure P/5 enclosed along with the writ petition. Though the normal tenure for transferring of a Doctor in the respondent company is 10 years and the guidelines of the respondent company speaks of transferring after 10 years but that does not preclude the management from transferring a person before a usual tenure. The grounds which the petitioner has raised, all are grounds which could arise only after she joins at the transferred place. After having joined at the transferred place, if the petitioner finds certain deficiency or short coming in the hospital, she can apprise the higher authorities for making the hospital more effective or more functional.
5. The petitioner cannot put condition before joining or complying with the order of transfer. In the instant case, the petitioner has already served at the present place of posting for a period about 6 years

which itself is a considerable long period. So far as the malafides are concerned this Court does not find any strong materials produced /brought on records to establish the same against any particular officer in the department, which led to the issuance of order of transfer.

6. Given all the aforesaid facts & circumstances of the case, particularly taking into consideration, the legal position as it stands so far as transfer of an employee/officer made by an employer on the administrative exigency is concerned, this Court does not find any strong ground made out by the petitioner calling for an interference with the impugned order.
7. The writ petition, thus fails and accordingly stands dismissed.

**Sd/-
(P. Sam Koshy)
Judge**