

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5439 of 2019**

1. Kalpana Samuel, D/o Late C. B. Samuel, Aged About 51 Years, Posted As Lab Technician, R/o Quarter No. 32, Sakuntala Colony, Baikunthpur, Tahsil: Baikunthpur, District: Koriya Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Health And Family Welfare Department, Mantralaya, Atal Nagar, New Raipur Chhattisgarh
2. The Director, Directorate Of Health Services, Chhattisgarh, Indravati Bhawan, Raipur Chhattisgarh
3. The Collector, Baikunthpur, District - Korea Chhattisgarh
4. The Chief Medical And Health Officer, District - Korea Chhattisgarh
5. Afsana Anjum, Posted As Lab Technician, Primary Health Center, Barpara, District - Korea Chhattisgarh
6. The Block Medical Officer, Community Health Center, Patna, District - Korea Chhattisgarh

Respondents

For Petitioner	: Mr. S. S. Rajput, Advocate
For State	: Mr. Anshuman Shrivastava, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****29.07.2019**

1. The learned counsel for the petitioner submits that, the petitioner has been transferred from Community Health Center, Patna to Primary Health Centre, Kotadol (Janakpur) vide order dated 12.07.2019 on the administrative ground. It is contended that, the petitioner's mother is suffering from brain hemorrhage and is admitted in I.C.U.. It is contended as on date that the petitioner is also suffering from Hepatitis-B.

2. The petitioner further submits that, the service of the petitioner was transferred to accommodate someone else in place of the petitioner without any just cause. It is stated the petitioner though has been stated to be transferred on the ground of administrative exigency but the same do not exist at all.
3. Perusal of the document annexed along with the petition shows that the present status of the mother of petitioner said to be suffering from Brain Hamorrhage and is admitted in I.C.U. and is on ventilatory support which is evident from certificate dated 18.07.2019 filed along with petition.
4. In view of the medical document after their perusal, the petitioner is given liberty to make representation before the committee constituted to raise the grievance against the transfer within a period of 15 days from today. The committee may decide the representation of the petitioner within further 45 days from date of filing representation. In the meanwhile, the transfer in respect of petitioner shall not be given effective till the decision is arrived by the Committee.
5. With the aforesaid observations, the present Writ Petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge