

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS. No. 7122 OF 2019**

Ku. Pratibha Saloman D/o - Late Devid Saloman Aged About 56 Years Working As Woman Superintendent (L.H.V.)-Cum Vaccine Cold Chain Handler At Primary Health Centre, Chakarbhata, Sector Nayapara Bilha District Bilaspur Chhattisgarh, Under The Department Of Health And Fimaly Welfare., District : Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Health And Family Welfare, Mantralaya, Mahanadi Bhawan Nava Raipur Atal Nagar District Raipur Chhattisgarh
2. Chief Medical And Health Officer, Bilaspur, Office Of Chief Medical And Health Officer, Bilaspur Chhattisgarh

---Respondent(s)

For Petitioner	:	Mr. Vinod Deshmukh, Adv.
For State	:	Ms. Abhyunnati Singh, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****06.09.2019**

1. The challenge in the present Writ Petition is to the order (Annexure-P/1) dated 23/08/2019 whereby the services of the petitioner has been transferred from Sector Nayapara Bilha, District Bilaspur to Community Health Centre Kartala, District Korba, the order of transfer was issued by the respondent No. 1.
2. The Counsel for the petitioner submits that she is an office bearer of Swasthya Evam Bahuddeshiy Karmachari Sangh and she has been appointed as a district President of the Women Cell of the said union for District Bilaspur. Accordingly, let the respondent No. 1 get this aspect verified from the respondent No. 2 as to whether the petitioner is an officer bearer or not, whether there is any intimation in this regard in the department and whether the said union is a

registered union or not, so as to enabling the petitioner the benefit of protection under the transfer policy of the State Government.

3. Let the petitioner make a representation within 10 days' from the date of receipt of copy of this order and subject to verification of the aforesaid facts, the respondents No. 1 shall pass a fresh order within further period 45 days'.
4. Till the representation is decided, the stay of effect and operation of the impugned order so far as the petitioner is concerned.
5. While examining the case of the petitioner so far as she is being an officer bearer or not. If the petitioner is not an officer bearer and got these documents prepared only for the purpose of filing of the writ petition for obtaining interim relief, respondent No. 1 is also expected to instruct the concerned authorities to immediately take appropriate disciplinary action against the petitioner considering said act of using fraudulent document before the High Court for obtaining relief which would amount to a major misconduct.
6. The writ petition is accordingly disposed off with the aforesaid observations.

Sd/-

(P. Sam Koshy)
Judge