

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 7531 of 2019

Miss Pravanchana Soni D/o Shri Prahlad Soni Aged About 35 Years Working As Staff Nurse At Dr. Bheemrao Ambedkar Memorial Hospital, Raipur, R/o Ward No. 04, Sahupara - 2, Village - Kanpa, District - Mahasamund Chhattisgarh.

---- Petitioner(s)

Versus

State of Chhattisgarh Through Secretary Department of Family Health and Welfare and Medical Education, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District- Raipur, Chhattisgarh.

---Respondents

For Petitioner	:	Shri SP Kale, Advocate.
For State	:	Ms. Sunita Jain, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

23.09.2019

1. Challenge in the present Writ Petition is to the order of transfer dated 23.08.2019 whereby the petitioner has been transferred from Raipur to Jagdalpur.
2. The contention of the petitioner is that, the petitioner has been transferred from Govt. Hospital to an autonomous college which has its own rules and regulations governing the service conditions and the petitioner would lose her seniority and other service benefits. The petitioner cannot be sent to an autonomous body without her consent. The second ground raised is that, the petitioner is a protected employee under the transfer policy as she is Deputy Secretary of Chhattisgarh Paricharika Karmachari Sangh.
3. Given the aforesaid two grounds firstly transferring the petitioner from government establishment to an autonomous body without her consent and secondly the petitioner being a protected employee under the transfer policy, let the petitioner make a detailed representation in this regard to the

respondents within a period of 10 day from today who, in turn, shall consider and decide the same at the earliest preferably within a further period of 45 days. The respondents are expected to take a decision firstly ensuring whether the petitioner falls within the protected category or not and secondly whether the service conditions of the petitioner would be adversely affected or not on being transferred from Govt. Medical College to an autonomous establishment.

4. Till the representation of the petitioner is decided, the effect and operation of the impugned order shall remain stayed so far as petitioner is concerned.
5. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder