

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 8090 of 2019

Chitralkha Chandraker W/o Chitrasen Chandraker Aged About 30 Years
Presently Working Rural Health Organization (Female), R/o Village
Mundera Post Kalangpur, Tahsil Gunderdehi, District Balod, Chhattisgarh.

---- Petitioner(s)

Versus

1. State of Chhattisgarh Through Secretary, Department Of Health And Family Welfare, New Mantralaya, P.S. - Mandir Hasaud, Atal Nagar, Distt. Raipur Chhattisgarh
2. Director Health Service Raipur Health Service, Indrawati Bhavan Atal Nagar Raipur Chhattisgarh.
3. Collector Bemetara, District Bemetara Chhattisgarh.
4. Chief Medical Officer Bemetara District Bemetara Chhattisgarh.
5. Block Medical Officer Community Health Center Nawagarh, Distt. Bemetra Chhattisgarh.

---Respondents

For Petitioner	:	Shri Ajit Singh, Advocate.
For State	:	Shri Anshuman Shrivastava, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

01.10.2019

1. The grievance of the petitioner is that though the respondents have passed the order on 23.08.2019 whereby the petitioner has been transferred from Murra, Nawagarh to Maroda, District Durg on her own request and expenses, the respondents have till date not taken any steps for relieving the petitioner.
2. The contention of the petitioner is that, in the order of transfer itself there has been no reliever being posted at the place where the petitioner was working and now vide order dated 19.09.2019 (Annexure P/1) the Chief Medical and Health Officer has refused to relieve the petitioner, though the Block Medical Officer has already relieved the petitioner.

3. The issue regarding implementation of transfer order has been considered by this Court in the case of Ms. Manisha Agrawal Vs. State of Chhattisgarh and Others, 2015(4) C.G.L.J.182, wherein relying upon several judgments of the Supreme Court, it has been held by this Court that once the employee has been transferred, it is required to be complied with unless it is modified, varied or cancelled by the State Government itself. There is no condition made by any of the parties that the order of transfer has since been modified, cancelled or amended, in any manner, so far as petitioner is concerned.
4. Under the circumstances, the respondents No.1,2 and 4 are directed to ensure that the order of transfer dated 23.08.2019 so far as petitioner is concerned, is executed at the earliest preferably within a period of 45 days from the date of receipt of copy of this order, unless the transfer order is modified, amended or cancelled.
5. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder