

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 8197 of 2019

Smt. Sarthi Mahato W/o Shri S.C. Mahato Aged About 54 Years Presently Posted As A.N.M., Sub Health Center Aheri, Block Dhamdha, District Durg, Chhattisgarh.

---- Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Department of Health and Family Welfare, Mantralaya, Mahanadi Bhawan, Naya Raipur, Chhattisgarh.
2. Ku. Ambika Sinha Posted As A.N.M. Sub Health Center, Motimpur, Block Sahaspur Lohara, District Kabirdham, Chhattisgarh.

---Respondents

For Petitioner	:	Ms. M. Asha, Advocate.
For State	:	Shri Jitendra Pali, Dy. Advocate General.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

04.10.2019

1. Challenge in the present Writ Petition is to the order of transfer dated 23.08.2019 whereby the petitioner has been transferred from Sub Health Centre, Aheri, District Durg to Sub Health Centre, Motimpur, District Kabirdham.
2. The contention of the petitioner is that, the appointing authority of the petitioner is the Chief Medical and Health Officer of the concerned District and the seniority and promotion is considered district wise, and therefore the petitioner should not have been transferred to another District.
3. Given the said facts and circumstances of the case, it appears that the petitioner's services is a district cadre post and in the event of petitioner being shifted to another district, the seniority of the petitioner would get adversely affected.
4. Accordingly, let the petitioner make a representation in this regard to the respondents within a period of 10 day from today, who, in turn, shall

consider and decide the same in accordance with transfer policy at the earliest preferably within a further period of 45 days.

5. 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.
6. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder