

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 8566 of 2019**

- Smt. Kavita Kushwaha, W/o Shri Chandra Kushwaha, Aged About 29 Years Presently Posted As Staff Nurse, At Community Health Centre Nawagarh District Bemetara, R/o Gandhi Nagar, Birgoan Raipur, District Raipur, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through The Secretary, Health And Family Welfare Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, Raipur, Chhattisgarh.
2. Chief Medical And Health Officer Bemetara, District Bemetara, Chhattisgarh.
3. Chief Medical And Health Officer Raipur, District Raipur, Chhattisgarh.
4. Block Medical Officer, Nawagarh, District Bemetara, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Prabhat Kumar Saxena, Advocate
For Respondents/ State	:	Ms. Beenu Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****17/10/2019**

1. The petitioner has filed this petition on the grievance that though the petitioner has been transferred from Community Health Centre, Nawagarh District Bemetara to Primary Health Centre, Khorpa, District Raipur vide order dated 23.08.2019, the petitioner has been relieved vide order dated 07.09.2019 from the earlier place of posting i.e. Community Health Centre, Nawagarh District Bemetara but he is not allowed to join at the transferred place i.e. Primary Health Centre, Khorpa, District Raipur.
2. The issue regarding implementation of transfer order has been considered by this Court in the case of ***Ms. Manisha Agrawal v. 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.

3. Therefore, in these circumstances, either the transfer order has to be implemented or the State has the option to cancel, vary or modify or keep in abeyance.
4. Accordingly, the writ petition is disposed of with the direction that if the transfer order of the petitioner is still operative, the respondent authorities shall allow the petitioner towards implementation of the aforesaid transfer order within a period of 30 days from today.
5. It is also made clear that if any administrative exigency impede the petitioner's joining, the petitioner shall be informed in writing. It will also remain open for the respondents to reconsider the issue of transfer on account of any administrative exigency.

Sd/-

Goutam Bhaduri
Judge

Jyoti