

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 8666 of 2019**

Smt. Rameshwari Painkra, W/o. Sarjunath Painkra, Aged About 37 Years,
R/o. Jampara, Baikunthpur, Tehsil Baikunthpur, District Koriya Chhattisgarh.

---- **Petitioner**

Versus

1. State Of Chhattisgarh, Through Secretary, Health And Family Welfare Department, Mahanandi Bhawan, Mantralaya, Atal Nagar Nawa Raipur District Raipur Chhattisgarh
2. Director, Directorate Of Health And Family Welfare, Indrawati Bhawan, Atal Nagar Nawa Raipur District Raipur Chhattisgarh
3. Commissioner, Health Services, Sarguja Zone, Ambikapur, District Surguja Chhattisgarh
4. Smt. Amrawati Rajwade, C/o. Primary Health Centre, Gumgara Kala, Block Lakhanpur, District Surguja Chhattisgarh

---- **Respondents**

For Petitioner	:	Mr. Pushkar Sinha, Advocate
For State	:	Mr. Soumya Rai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board**

21.10.2019

Heard

1. Grievance of the petitioner is that the petitioner has been transferred from District Hospital Baikunthpur, District Koriya to Primary Health Centre, Gumgara Kala, Block Lakhanpur, District Surguja on the administrative exigency.
2. Learned counsel for the petitioner submits that the petitioner has been transferred to accommodate the respondent No.4 whose name is at serial No.5 of the transfer list dated 23.08.2019 and she has been transferred on is own accord. It is stated that the petitioner has not sought for any transfer, however, to accommodate the respondent No.4, the petitioner has been

transferred. It is further contended that by transfer of the petitioner to District Surguja, her seniority would be affected and as per the transfer policy, option has been given to the transferee employee to accept the transfer or not. Despite the fact, it is stated that the petitioner has made a representation that by such transfer her seniority would be affected and further the transfer has been made only to accommodate the respondent No.4, the same has not been considered till date.

3. Perused the transfer order dated 23.08.2019, which shows that the petitioner has been transferred on the administrative grounds whereas the respondent No.4 has been transferred on her own accord. The transfer order further contends that in case by transfer the seniority is affected then in such case the transferee may not accept the transfer and may not get herself relieved and once she is relieved it will be considered that she has accepted the transfer. Since it is contended that by transfer the seniority of the petitioner would be affected, the representation has been made by Annexure P-4. Considering the same, the petitioner is further at liberty to make a detailed representation before the respondent No.1 & 2 within a period of 15 days from today, who, in turn, shall consider and decide the same within an outer limit of 45 days from the date of receipt of the representation. Till then the transfer of the petitioner shall not be given effect to.
4. With such observation, the petition stands disposed of.

Sd/-
Goutam Bhaduri
Judge