

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 8860 of 2019

Smt. Akansha Wani W/o Vipin Wani, Aged About 31 Years
Occupation Staff Nurse Posting Primary Health Center,
Chakarbhata, District Bilaspur (Chhattisgarh) Doing M.Sc. Nursing
At Govt. Nursing College, Lagra, District Bilaspur Chhattisgarh,

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Health And Family Welfare Department, Mantralaya, Mahanadi Bhawan, Capital Complex, Atal Nagar, Raipur, District Raipur Chhattisgarh
2. Additional Secretary, Chhattisgarh State, Health And Family Welfare Department, Mantralaya, Mahanadi Bhawan, Capital Complex, Atal Nagar, Raiupr, District Raipur Chhattisgarh.
3. Chief Medical And Health Officer, Bilaspur, District Bilaspur Chhattisgarh,
4. Block Medical Officer, Community Health Center, Bilha, Bilaspur Chhattisgarh,
5. Apeksha Sharma, Staff Nurse, District Hospital, Balodabazar, District Balodabazar Bhatapara Chhattisgarh

----Respondents

For petitioner – Shri Awadh Tripathi, Advocate.
For State- Ms. Akansha Jain, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

23/10/2019

1. Grievance of the petitioner is that the respondent No.5 Apeksha Sharma has been transferred in place of the petitioner on the self request and the petitioner have been said to have been transferred on the administrative ground. It is contended that the petitioner hold the post of class IV Staff Nurse and she further scored merit therefore she was sent for M.Sc Nursing training as per letter dated 12/12/2018. It is stated that the transfer order shows that if on transfer seniority is affected then in such case person who is transferred may not accept the transfer and petitioner contends that by such transfer her seniority would be affected.
2. Perused the transfer order Annexure P-1 wherein the petitioner has

been said to have been transferred on the administrative ground whereas respondent No.5 is said to have been transferred on her own accord on her place. Transfer order clause 5 engrafts a condition that if on an application the transfer is made and seniority is affected then person may not opt for transfer. It is contended that the petitioner is class-IV employee and with the transfer from Primary Health Center, Chakarbhata, District Bilaspur to District Hospital, Baloda Bazar, District Baloda Bazar her seniority would be affected. Considering the fact in the clause 5 of the transfer order, that on the application of the respondent No.5 of self request petitioner is transferred and petitioner claims that by such transfer her seniority would be affected, she would also be saved by clause 5 of the transfer order. Considering the facts, the petitioner is given liberty to make a representation to the Grievance Redressal Committee constituted by the State to hear the case of transfer within a period of three weeks from today. If such representation is filed, same may be decided within a further period of 45 days. Till then the transfer order dated 23/08/2019 in respect of the petitioner shall not be given effect to.

3. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE