

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 9246 of 2019**

- Mrs. Dharti Diwan W/o. Mr. Guman Singh Diwan Aged About 38 Years Posted Medical Lab Technologist, At Community Health Center, Farasgaon, Block Farasgaon, District Kondagaon Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Health And Family Welfare, Mahanadi Bhavan, Mantralaya, New Raipur Distirct Raipur Chhattisgarh
2. Collector District Kondagaon Chhattisgarh
3. Chief Medical And Health Officer District Kondagaon Chhattisgarh
4. Chief Medical And Health Officer District Kanker Chhattisgarh

---- Respondents

For Petitioner : Shri Parag Kotecha, Advocate

For Respondents/State : Ms. Richa Shukla, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****03/12/2019**

1. Heard.
2. The grievance of the petitioner is that the petitioner who is working as Medical Lab Technologist at Community Health Centre, Farasgaon, District Kondagaon has been transferred to Blood Bank, District Hospital Kanker by order dated 23.08.2019.
3. It is contended that the post of the petitioner is a district cadre post and with the transfer from Farasgaon to Kanker, her seniority would be affected. It is further

contended that as per the clause 5 of the transfer order, it is the prerogative of the employee to be relieved or not in case her seniority is affected. It is further contended that the husband of the petitioner is working in the revenue department and are settled at Kondagaon, therefore, the petitioner do not want to be relieved as her seniority would be affected. Accordingly, it is prayed that the transfer order may be canceled.

4. Perusal of the transfer order shows that the option has been given to the employee that in case if the seniority is affected he would have an option to be relieved or not relieved. The petitioner claims that it is a district cadre post and her seniority is maintained at Kondagaon, considering the same, it is directed that subject to such verification of fact and further taking into the fact that the husband of the petitioner is said to be working at Kondagaon and according to the policy of the State the husband & wife are normally to be kept at one place, the petitioner is given liberty to make a detailed representation in this regard within a period of 15 days from today before the Grievance Redressal Committee and on such representation being filed, the Committee shall decide the same as early as possible preferably within a period of 45 days from the date of receipt of the representation. Till the representation of the petitioner is decided, the transfer order dated 23.08.2019 in respect of the petitioner shall not be given effect to.
5. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge