

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 8879 of 2019

Nandita Naidu Damle W/o Shri Indraprakash Naidu Aged About 33 Years
Presently Posted and working as Pharmacist Grade 2, Directorate Health
Services (Store Branch), Raipur, R/o Quarter No. 224, Block No. 6, Junior
MIG, New Rajendra Nagar, Raipur, District Raipur. **--- Petitioner**

Versus

1. State of Chhattisgarh through Its Deputy Secretary, Health And Family Welfare Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur, Chhattisgarh,
2. The Director (Health) Directorate Of Health Services, Indravati Bhawan, Atal Nagar, Nawa Raipur, District Raipur, Chhattisgarh.
3. Joint Director Health Services, Jashpur, District Jashpur, Chhattisgarh.
4. Civil Surgeon Cum Hospital Superintendent Jashpur, District Jashpur, Chhattisgarh.
5. Ellegrase Kujur Pharmacist II Primary Health Centre, Kurorag, Block, Bagicha, Jashpur, District : Jashpur, Chhattisgarh
--- Respondents

For the Petitioner	: Mr. Ashish Surana, Advocate
For the State	: Mr. Kunal Das, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23-10-2019

1. The grievance of the petitioner is that the petitioner who is working as Pharmacist Grade-II has been transferred from Health Service (Store Department) Raipur to Primary Health Center Kurroga, Vikas Khand Bagicha, Distt. Jashpur. It is contended that the cadre of the petitioner is division cadre and seniority is also maintained in division level and if the transfer is made to District Jashpur, the seniority of the petitioner shall be affected.
2. It is also submitted that Para 5 of the transfer order also contain

the condition that in case a district cadre employee is transferred on the ground of his request/option or on administrative ground, the seniority of the employee shall be affected. Therefore, the said employee is to think-over whether the said transfer is acceptable. If the transfer is not acceptable, the said employee may not be relieved to the said transferred place. Learned counsel submits that the petitioner has chosen not to be relieved. Considering the same, the petitioner is directed to make a fresh representation to the concerned respondents within 15 days from the date of receipt of this order and thereafter the same shall be considered and decided within a further period of 45 days.

3. The petitioner has claimed that she has not handed-over the charge as she has chosen not to be relieved. It is directed that If the petitioner has not yet been relieved, she will be allowed to work at the present place of working that is at Raipur till her representation is decided.
4. This writ petition accordingly stands disposed off .

**Sd/-
GOUTAM BHADURI
JUDGE**