

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 8981 of 2019**

- Smt. Archana Singh, W/o Shri Amit Singh, Aged About 32 Years, Occupation - Staff Nurse In The District Hospital Raipur, Raipur Chhattisgarh. R/o House No 107 Avinash Capital Homes Phase II , Behind Ambuja Mall Saddu, Raipur , Ps Mova , District Raipur Chhattisgarh.

**---- Petitioner****Versus**

1. State Of Chhattisgarh, Through The Secretary Health And Family Welfare Department Atal Nagar Mahanadi Bhawan Raipur Chhattisgarh.
2. Chief Medical And Health Officer, District Hospital Raipur Chhattisgarh.
3. Civil Surgeon Cum Chief Superintendent Of Hospital District Hospital Raipur Chhattisgarh.
4. Kumari Shashi Harvansh, Staff Nurse, District Hospital Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh . Presently Working As Staff Nurse In District Hospital Raipur Chhattisgarh.

**---- Respondents**


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| For Petitioner         | : | Shri Rohit Sharma, Advocate      |
| For Respondents/ State | : | Shri Priyank Rathi, Panel Lawyer |

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**Hon'ble Shri Justice Goutam Bhaduri****Order On Board****21/11/2019**

Heard.

1. This is second round of litigation, in the earlier round of litigation this Court by order dated 17.09.2019 has passed the following orders:-

1. The challenge in the present writ petition is to the order Annexure P-1 dated 23.08.2019 whereby the services of

the petitioner have been transferred from District Hospital, Raipur to District Hospital, Balodabazar.

2. Without entering into the merits of the case, counsel for the petitioner prays that the petitioner may be permitted to make a representation to the respondents and the respondents in turn may be directed to decide the same as expeditiously as possible.

3. Not opposed.

4. Accordingly, the instant writ petition stands disposed off with liberty to the petitioner, if he/she so chooses, may prefer a detailed representation to the respondents. Considering the fact that it is a case of transfer, the respondents may decide it as expeditiously as possible preferably within a period of 30 days from the date of receipt of copy of this order, as per the rules.

2. Thereafter, the representation having been filed the same is dismissed.

Learned counsel for the petitioner would submit that the legal ground which exists in this case would show that the transfer order is passed to accommodate another employee. As the order, describe that Kumari Shashi Harvansh (Respondent No. 4) has been transferred on her own accord/ request from District Hospital, Baloda Bazar to District Hospital, Raipur whereas at the same time the petitioner has been transferred from District Hospital, Raipur to District Hospital, Baloda Bazar. Therefore, the government cannot take side of any particular person shelving impartiality and it cannot be stated that only on administrative ground the petitioner has been transferred. Therefore, transfer of petitioner is made, in order to accommodate Respondent No. 4.

3. Perused the documents.

4. Perusal of the dismissal of the representation dated 15.10.2019 Annexure P-4 along with the representation which is filed Annexure P-3 would show the issue was not agitated in which has been raised before the Court that in order to accommodate Respondent No. 4, the petitioner was transferred has neither been raised nor been decided. Therefore, if on the request of one person another is being shifted certainly the issue requires consideration

and deliberation at the reason behind it as the government has to act impartially. Consequently, the petitioner is given liberty to make a fresh representation to Grievance Redressal Committee within three weeks from today. If the representation so filed the same may be decided within a further period of 60 days.

5. Accordingly, the petition stands disposed of.

Sd/-

Goutam Bhaduri  
Judge

Jyoti