

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 9187 of 2019**

- Smt. Pushpika Kiran Diwakar W/o Shri Shivshankar Ram Ravi Aged About 35 Years, at R/o Soni Colony, Gandhi Nagar, Tahsil - Ambikapur , District Sarguja Chhattisgarh

---- Petitioner**Versus**

1. State of C.G. Through Secretary Department Of Health And Family Welfare, Mantralaya, Mahanadi Bhawan , New Raipur, District Raipur Chhattisgarh
2. Secretary General Administration Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur , Chhattisgarh
3. Collector Sarguja , Collectorate Building District Sarguja Chhattisgarh
4. Chief Medical And Health Officer District Sarguja Chhattisgarh
5. Block Medical Officer Bhafouli , Ambikapur , District Sarguja Chhattisgarh
6. Sarika Tiwari A.N.M. Primary Health Centre Aara, District Balrampur Chhattisgarh

---- Respondents

For Petitioner : Shri Sangharsh Pandey, Advocate

For Respondents/State : Shri Kunal Das, PL

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

1. Heard.
2. The grievance of the petitioner is that the petitioner is the Class-III employee who is working at Primary Health Centre, Bhafouli, District Sarguja and she has been transferred to Primary Health Centre, Aara, District Balrampur on the basis of district level and the district level promotion committee deals with the

promotion matters of the petitioner and the other similarly placed employees. The clause 5 of the transfer order itself shows that by the transfer if the seniority is affected then it would be the option of the transferred employee not to be relieved and the petitioner though has been transferred has exercised her option not to be relieved for the reason that her seniority would be affected, but she is being pressurized to be relieved.

3. Perused the transfer order as also the clause 5 thereof, which shows that if the seniority of the petitioner is affected then the transferred employee shall not exercise the transfer. Considering the fact that the petitioner has exercised the option not to be relieved, it is directed that the petitioner shall make afresh representation in this regard within a period of 15 days from today before the respondent No.1 and the said respondent in turn shall consider and decide the same in accordance with the transfer policy at the earliest preferably within a further period of 60 days. Till the representation of the petitioner is decided, the transfer of the petitioner shall not be given effect to.
4. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge