

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 9391 of 2019**

- Anil Borkar, S/o Hari Ram Borkar, Aged About 50 Years, Post Gramin Swaths Sayojak (R.H.O.) R/o Village - Pangri, A. Chowki, Tahsil A. Chowki , District : Rajnandgaon, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh, Through Its Secretary, Department of Health, Mahanadi Bhawan, Nawa Raipur, Chhattisgarh
2. The Collector - Rajnandgaon, District : Rajnandgaon, Chhattisgarh
3. The Chief Medical and Health Officer - Rajnandgaon, District : Rajnandgaon, Chhattisgarh
4. The Block Medical and Health Officer - A. Chowki, District : Rajnandgaon, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Love Kumar Ramteke, Advocate
For Respondents/ State	:	Ms. Akanksha Jain, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****19/11/2019**

1. This is the second round of litigation. It is contended that the petitioner has been appointed as a Compounder Class-III employee and he has been transferred from Primary Health Centre, Mahud, Ranjandgaon to Primary Health Centre, Karekatta Development Block-Manpur, District – Rajnandgaon, which is 50 kilometers away.
2. On earlier round of litigation, this Court has observed to make a representation raising all the grounds. Subsequently, the Grievance Redressal Committee has adjudicated the case of the petitioner and

dismissing the representation.

3. Learned counsel for the petitioner submitted that till date nobody has joined in the place of petitioner, consequently the petitioner may be allowed to work in that post and his cancellation of the representation may also be considered.
4. Perused the documents. On the basis of the earlier right reserved in favour of the petitioner the representation was filed before the State to cancel the transfer. Perusal of the cancellation of representation dated 01.10.2019 would show that nothing was placed on record to show that the said transfer was made against the transfer policy of the State, and the transfer was tainted with malafide and appears to have been passed on the administrative exigencies Therefore, the transfer being incident of service, merely, the petitioner since have been transferred to 50 kilometers away and only the ground which is projected by the petitioner is about the family difficulty, it cannot be held to be the sole ground to cancel the transfer. Therefore, I do not find any illegality on the cancellation of the representation.
5. Accordingly, the petition stands dismissed.

Sd/-
(Goutam Bhaduri)
Judge