

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 9453 of 2019

Mahendra Singh Somwanshi S/o Arjun Singh Aged About 51 Years Post Gramin Swaths Sayojak, Resident Of House No. 278 Ward No. 15, Kaudikasa, A. Chowki, Tahsil A. Chowki, District- Rajnandgaon, Chhattisgarh. **--- Petitioner**

Versus

1. State of Chhattisgarh through its Secretary, Department of Health, Mahanadi Bhawan, Nawa Raipur, District : 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 the Petitioners : Mr. Lov Kumar Ramteke, Advocate

For the State/Respondents : Mr. Priyank Rathi, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

20-11-2019

1. This is second round of litigation. On earlier round, when the petitioner was transferred vide order dated 12.07.2019 from Sub-health Center Bhagvan Tola, Block Ambagarh Chowki, Distt. Rajnandgaon to Sub-health Center, Bhothili, Block Chhuikhadan, Distt. Rajnandgaon the said order was subject of challenge in WP(S) No.5431 of 2019 wherein the petitioner was given liberty to make a representation before the Grievance Redressal Committee.
2. Thereafter, the petitioner has made representation before the Grievance Redressal Committee stating the reasons that he underwent heart surgery and every six months he has to go for medical check up and his children are studying at Bhagvan Tola and no schooling facility is available at the newly transferred place Bothli , therefore, his children have to travel 15 Kms., and no complaint was existing against him. Apart from that, he is under

obligation to look after the age old parents who are staying at Gariaband, therefore he has to travel to Gariaband from time to time. The Committee has considered the representation on 01.10.2019 and held it to be invalid. The said dismissal of representation is under challenge in this petition.

3. Learned counsel submits that the grounds mentioned in representation in the said representation were not considered in proper perspective and the transfer was made against the transfer policy.
4. A perusal of the order dt. 01.10.2019 of the Committee would show that the opinion was asked from the Collector on the representation of the petitioner and after going through the grounds of representation and the feed back given by the Collector as against the representation, the Committee came to conclusion that transfer has been made on administrative ground and there was no violation of transfer policy, therefore, the representation is invalid.
5. Transfer which is an incidence of service is not to be interfered with by courts unless it is shown to be clearly arbitrary or visited by mala-fide or infraction of any prescribed norms of principles governing the policy of transfer. Therefore, I do not find any reason to interfere with the order whereby the representation of the petitioner has been rejected.
6. The petition has no merit and is dismissed.

Sd/-

GOUTAM BHADURI
JUDGE