

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 9451 of 2019

Chandra Kumar Khare S/o Shri Gaya Prasad Khare Aged About 55 Years Posted As Sweeper, Primary Health Center, Nagpur, District Korea, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Health And Family Welfare Department, Mantralaya, Atal Nagar, New Raipur, Chhattisgarh.
2. The Collector And District Magistrate District Korea (Baikunthpur) Chhattisgarh.
3. The Block Medical Officer Manendragarh, District Korea, Chhattisgarh.
4. Gar Singh Karauliya Posted As Sweeper, Primary Health Center, Nagar, District Korea, Chhattisgarh.

----Respondents

For petitioner – Shri Rahul Mishra, Advocate.
For State- Shri Priyank Rathi, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

20/11/2019

Heard.

1. This is second round of litigation. In the earlier round of litigation by order dated 21/08/2019 in WPS No.6323/2019 this court has directed representation against transfer may be decided whereby the petitioner claim that in order to accommodate one Gar Singh Karauliya petitioner has been transferred from Primary Health Centre, Nagpur to Primary Health Centre, Nagar (Patna) on the administrative ground. It is contended that representation though has been decided, however the grievance of the petitioner is still not been considered and in order to accommodate one person other person cannot be transferred.
2. Perused the order Annexure P-1 dated 7/10/2019 passed by the Collector. After going through the order it shows that transfer has been

made on the recommendation of the Chief Medical and Health Officer, Koria. Therefore, since recommendation has already been made by the person who is to take work from the different employee only by mere say that in order to accommodate another person the petitioner has been transferred cannot be appreciated. Transfer being incidence of service, therefore unless and until it is prima facie arbitrary or illegal or tainted with malafide interference in transfer is uncalled for. Accordingly, I do not find any reason to entertain this petition whereby the representation of the petitioner has been dismissed against the transfer.

3. Consequently, the petition is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE