

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 10122 of 2019**

- Smt. Vandana Dewangan, W/o Shri Shashikant Dewangan, Aged About 27 Years Working As Assistant Grade- III In The Office Of The Joint Director, Health Services, D.K.S. Hospital, Old Mantralaya, Raipur, Chhattisgarh. R/o Shivam Vihar Colony, Mahadevghat Road, Raipura, Raipur, District Raipur, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through The Secretary, Department Of Health And Family Welfare, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh. Pin Code - 492002.
2. Director Health Services, Directorate, Indravati Bhawan, Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh.
3. Joint Director Health Services, Purana Nursing Hospital, D.K.S. Bhawan Parisar, Raipur, District Raipur, Chhattisgarh.
4. Chief Medical And Health Officer Kabirdham, District- Kabirdham, Chhattisgarh.

---- Respondents

For Petitioner : Shri Dhiraj Kumar Wankhede,
Advocate

For Respondents/State : Shri Avinash Singh, G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****04/12/2019**

1. Heard.
2. The grievance of the petitioner is that the petitioner was initially transferred from Joint Director, Health Raipur to Community Health Centre, Sahaspur Lohara, Dist. Balod by order dated 23.08.2019. Subsequently the said order was amended on 25.10.2019 by the State government and instead of Balod it was amended to Community Health Centre, Sahaspur Lohara, District Kabirdham, pursuant thereto she was relieved on 26.10.2019 (Annexure P-2) and gave her joining on 05.11.2019 (Annexure P-4). It is contended

that thereafter a letter was received by her dated 11.11.2019 (Annexure P-5) advised by the Chief Medical Officer, Kabirdham stating that petitioner could not be given joining as she would be a surplus staff since one person is already working and therefore in consequence it would be difficult to draw the salary for petitioner. It is contended that since petitioner was not allowed to join at her transferred place no fault can be attributed to the petitioner and the petitioner despite having given joining same has not been accepted. It is stated the letter is issued at the behest of the CMHO, Kabirdham and the authority not have such power to override the orders of the State government passed by Secretary.

3. Perused the documents.
4. Perusal of the documents would show that initially after transfer of the petitioner to Balaod it was amended by the order of the State government dated 25.10.2019 wherein the place of transfer was changed as Community Health Centre, Sahaspur Lohara, district Kabirdham. Having given her joining she was informed by CMHO that she would be a surplus and advised to change her place of posting. In the facts of this case since the transfer order has been issued by the State government the petitioner is given liberty to make a representation to Grievance Redressal Committee within 15 days from today. The same if filed shall be decided by the Committee within a period of 45 days from the date of receipt of a copy of this order.
5. In the meanwhile, under the facts of the case the transfer of the petitioner shall not be given effect to till the representation of the petitioner is decided.
6. With such observation, the petitions stands disposed of.

Sd/-

Goutam Bhaduri
Judge