

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 9848 of 2019**

- Smt. Usha Sahu, W/o Shri Basant Kumar Sahu, Aged About 55 Years, R/o Village Malegaon, Post Cockpur, District Kanker Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through The Secretary, Health And Family Welfare Department, Mahanadi Bhavan Mantralaya, Atal Nagar, Naya Raipur Chhattisgarh.
2. The Director Health Services, Chhattisgarh Raipur, District Raipur Chhattisgarh.
3. The Collector District North Bastar Kanker, District Kanker Chhattisgarh.
4. The Chief Medical And Health Officer, District North Bastar Kanker, District Kanker Chhattisgarh.
5. Smt. Kusumlata Jain Rural Health Coordinator (Female) Sub Health Centre Malegaon, Block Kanker, District Kanker Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Shailendra Sharma, Advocate
For Respondents/ State	:	Shri Soumya Rai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****28/11/2019**

Heard.

1. This is second round of litigation. The petitioner was transferred from Sub Health Centre, Malgaon, Block Kanker, District North Baster to Sub Health Centre, Kodekurse Block Durgukonde, District North Baster, Kanker. The

petitioner had challenged the same in the earlier round of litigation in WPS No. 6117 of 2019 wherein this Court on 14.08.2019 has passed the following orders:

2. The solitary ground raised by the petitioner is that the impugned order of transfer is in violation of the transfer policy in as much as the spouse of the petitioner works at the same place, where the petitioner was working and ignoring this aspect, the petitioner has been transferred to a different location.

3. Given the said ground that the petitioner has raised, let the petitioner make an appropriate representation to the respondent No.3 within a period of 10 days from the date of receipt of the copy of this order and the respondent No.3 in turn is directed to consider and decide the representation at the earliest preferably within a further period of 30 days from the date of receipt of the representation keeping in view the transfer policy of the State Government.

4. With the aforesaid observations, the writ petition stands disposed off.

2. It is contended that thereafter the representation was made to the Collector as per the order, however, the Collector has dismissed the same on the ground that according to the transfer policy the representation has to be decided by the Grievance Redressal Committee and no speaking order has been passed. Thus the order itself is bad in law.

3. Learned State counsel opposes the same.

4. Perused the documents.

5. Perusal of the order of dismissal of representation would reflect that the petitioner is posted at present place of posting i.e. Malgaon from last 7 - 8 years and normally the husband and wife are required to be posted at one place, however, the same cannot be claimed to be matter of right as the petitioner is working at same place from last 7 - 8 years meaning thereby that the petitioner cannot continue at same place till she attains superannuation.

6. Therefore, considering the fact that the petitioner was already there at present place of posting from last 7 to 8 years, its the prerogative of the State to transfer the petitioner. Further, transfer being incident of service, unless and until it is malafide or illegal on the face of it, the transfer do not call for any interference. In a result, I am not inclined to interfere with the order of dismissing the representation of the petitioner.

7. Accordingly, the petition stands dismissed.

Sd/-

Goutam Bhaduri
Judge

Jyoti