

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 9866 of 2019

Smt. Girja Vishwakarma W/o Mahendra Prasad Aged About 53 Years R/o Village And Post Ajabnagar, Block - Surajpur, District : Surguja (Ambikapur), Chhattisgarh
--- Petitioner

Versus

1. The State of Chhattisgarh through The Secretary, Department of Health and Family Welfare Mantralaya, Mahanadi Bhawan, Atal Nagar, Police Station - Rakhi, New Raipur, District - Raipur Chhattisgarh.
 2. Smt. Swarnalata Kujur, Posted as A. N. M. Primary Health Centre, Tamta, Block - Patthalgaon, District - Jashpur Chhattisgarh.
- Respondents**

For the Petitioner : Mr. Rahul Tamaskar, Advocate

For the Respondents : Ms. Akanksha Jain, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.11.2019

1. The petitioner who is working as ANM has been transferred from Sub-Health Center, Sukhri, Distt. Sarguja to Primary Health Center, Tamta, Vikas Khand, Pathalgaon, Distt. Jashpur on administrative ground vide order dated 23.08.2019 which is under challenge in this petition.
2. Learned counsel for the petitioner submits that seniority of the petitioner is maintained at District Level and with the transfer of the petitioner to another district, her seniority would get adversely effected and as per Clause 5 of the Transfer order, the seniority will be affected if the employee of a particular district cadre is transferred to another district on his/her own will or on administrative transfer and therefore the employee has to decide whether the said transfer is acceptable to him/her or not and if such transfer is not acceptable, then he/she may opt not to be relieved. Learned counsel further

submits that pursuant to the order, the petitioner has decided not to be relieved.

3. Since the clause 5 of the Transfer order itself contains a condition that in case the seniority of a district cadre employee is affected on transfer to the other district, then in such a case, the employee may opt not to be relieved and further considering the fact that the petitioner is working as ANM which is a district cadre post, this writ petition is disposed of with liberty to the petitioner to make a fresh detailed representation to the concerned respondents raising her grievances within a period of 3 weeks from today and on such representation being filed, the same shall be considered and decided within a further period of 45 days.
4. It is further made clear that if on transfer the seniority of the petitioner is affected, then as per Clause 5 the transfer order the petitioner shall not be forced to be relieved.
5. Certified copy as per rules.

Sd/-
(GOUTAM BHADURI)
JUDGE