

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 9919 of 2019**

- Pushplata Paikra (Mentioned As Pushplata Singh In Order dated 23/08/2019 At Sr. No. 9) W/o Shri Diwan Singh Aged About 32 Years R/o Village Khala, Post Karji, Police Station Darima , Block Ambikapur , District Surguja Chhattisgarh

---- Petitioner**Versus**

- 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

---- Respondent

For Petitioner : Ms. Ruchi Nagar, Advocate

For Respondent/State : Ms. Akanksha Jain, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****29/11/2019**

1. The petitioner who is working as ANM has been transferred from Community Health Centre, Udaipur, District Surguja to Community Health Center, Bade Kapsi, Distt. Kanker 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 affected. It is stated that 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 account of administrative transfer the employee has to choose 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 of the transfer order the petitioner shall not be forced to be relieved.
5. Certified copy as per rules.

Sd/-

Goutam Bhaduri
Judge

Ashu