

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 9886 of 2019**

- Priti Shandilya, W/o Shri Umendra Kumar Nishad, Aged About 30 Years, R/o LIG - 9, Housing Board Colony, Thelkabod Kanker Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through Principal Secretary, General Administration Department Mantralaya Mahanadi Bhawan Naya Raipur Chhattisgarh.
2. The Collector District North Bastar Kanker Chhattisgarh.
3. The Director Health Services , Indrawati Bhawan, Atal Nagar Raipur Chhattisgarh.
4. The Chief Medical And Health Officer Kanker , District North Bastar Kanker Chhattisgarh.

---- Respondents

For Petitioner : Shri Shishir Dixit, Advocate

For Respondents/ State : Ms. Richa Shukla, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****02/12/2019**

Heard.

1. This is second round of litigation. The petitioner has been transferred from District Hospital, Kanker to Primary Health Centre, Kurenar, Block Koyalibeda. The same was subject of challenge in the earlier round of litigation in WPS No. 6168 of 2019, this Court on 16.08.2019 has passed the following orders:-

2. The ground of challenge is that the Petitioner is the wife of an Indian Army personnel whose posting is at the border area of Jammu & Kashmir and that the Petitioner is staying with her in-laws at Kanker and now vide the impugned order the Petitioner has been transferred to a far of remote area

more than 100km away from the present place of posting, which would cause great inconvenience to the Petitioner as well as her family.

3. Given the aforesaid facts and circumstances, let the Petitioner within 10 days from today make an appropriate representation to Respondent No.2 who in turn shall consider and decide the same within a period of 30 days from the date of receipt of the said representation.

4. Till the representation is decided, the effect and operation of the impugned order shall remain stayed so far as the Petitioner is concerned.

5. With the aforesaid, the writ petition stands disposed of.

2. It is contended that thereafter the Grievance Redressal Committee has rejected the representation of the petitioner by order dated 01.10.2019, however, the representation of the petitioner has not been considered on ground which exists in favour of the petitioner that petitioner's husband of has been posted at Srinagar and the family members are dependent on the petitioner and transfer of petitioner would cause great inconvenience to the petitioner's family, therefore, the transfer of the petitioner may be cancelled.

3. Learned State counsel opposes the same.

4. Perusal of the order of Grievance Redressal Committee dated 01.10.2019 shows that after considering the inputs given by the Collector the transfer has been made on administrative ground. 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.

5. Accordingly, the petition stands dismissed.

Sd/-

Goutam Bhaduri
Judge