

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 9871 of 2019**

- Namisha Soni, W/o Shri Ashish Soni, Aged About 30 Years, R/o Samta Nagar Colony, Post Govindpur, Kanker, District - North Bastar 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, Indravati 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 Civil Hospital, Pakhanjur, Koylibeda. The same was subject of challenge in the earlier round of litigation in WPS No. 6199 of 2019 this Court on 19.08.2019 has passed the following orders:-

2. The contention of the petitioner is that, the Husband of the petitioner is also a government servant and posted at Raipur. The petitioner had moved an application requesting for her transfer to a place in an around Raipur, however, contrary to the said request, the respondents have now issued the impugned order transferring her to a far more interior place which is more than 100 KM from the present place of posting creating further difficulties to the petitioner.

3. According to the petitioner, she has already worked in a scheduled area for a period of more than 7 years and therefore she ought to have now sent to a non scheduled area which again has not been taken note of by the authorities.

4. Given the said facts and circumstances of the case as has been narrated by the petitioner, let the respondent No.2 consider the case of the petitioner and the representation which the petitioner has made is decided and an appropriate order be passed at the earliest preferably within a period of 45 days from today. Till the representation of the petitioner is decided by the respondent No.2, the effect and operation of the order dated 12.07.2019 shall remain stayed so far as petitioner is concerned.

5. The present writ petition, accordingly stands disposed of.

2. Thereafter, the representation having been made the same has been dismissed, hence this petition.
3. Learned counsel for the petitioner would submit that the order of rejecting of representation would show that the transfer has been made by way of a punishment and without any enquiry the same could not be done and the petitioner has not been served with any show cause or any notice of departmental enquiry, therefore, the transfer order of the petitioner requires to be cancelled.
4. Learned State counsel opposes the same.

5. Perused the order of the Grievance Redressal Committee dated 01.10.2019 which finds a opinion of the Collector that the petitioner has a habit of misbehaving with the patient. However, at the out set 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.
6. Accordingly, the petition stands dismissed.

Sd/-

Goutam Bhaduri
Judge

Jyoti