

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 10781 of 2019**

1. Ganesh Ram Sori S/o Shri Jain Ram Sori Aged About 32 years Working, Rural Health Coordinator, Presently Posted At Sub Health Centre Jhurandi, Block Medical Office C.H.C. Chhuikhadan, District Rajnandgaon Chhattisgarh. R/o Village Patha, Police Station Chhuikhadan District Rajnandgaon Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary Health and Family Welfare Department, Mahanadi Bhavan, Mantralaya, Atal Nagar, Naya Raipur, District Raipur (C.G.)
2. The Chief Medical and Health Officer, District Rajnandgaon (C.G.)
3. State of Chhattisgarh, Through Secretary, Department of General Administration and Coordinators Committee of Senior Secretaries, Mahanadi Bhavan, Mantralaya, Atal Nagar, Naya Raipur, District Raipur (C.G.)
4. Collector, Rajnandgaon, District Rajnandgaon (C.G.)
5. Block Medical Officer/Community Health Centre, Block Chhuikhadan, District Rajnandgaon (C.G.)

---- Respondents

For Petitioners : Shri Abhishek Sharma, Advocate

For Respondents/State : Ms. Beenu Sharma, PL

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****19/12/2019**

1. Heard.
2. This is the second round of litigation. Earlier the petitioner was transferred from Sub Health Centre Jhurandi, Block Medical Office C.H.C. Chhuikhadan, District Rajnandgaon to Sub Health Centre Markeli, Block Medical Office C.H.C. Manpur, District Rajnandgaon by order dated 12.07.2019 the same was subject of challenge in WPS No.6000 of 2019, wherein this Court on 13.08.2019 has passed the following order:-

“1. The Challenge in the present Writ Petition is to the order Annexure P/1 dated 12.07.2019 whereby the services of the petitioner has been transferred from Sub Health Centre Jhurandi, Block Medical Office C.H.C. Chhuikhadan District Rajnandgaon to Sub Health Centre

Markeli, Block Medical Office C.H.C. Manpur, District Rajnandgaon.

2. Without entering into the merits of the case, the counsel for the petitioner wants that the petitioner may be permitted to make a representation to the respondents raising the objections and grievances on his being transferred and the respondents in turn may decide the same as expeditiously as possible.
3. Not opposed.
4. Accordingly, the instant Writ Petition stands disposed off with liberty to the petitioner if he so chooses may prefer a detailed representation to the respondents, which in turn considering the fact that it is a case of transfer, the respondents may decide it as expeditiously as possible preferably within a period of 30 days from the date of receipt of certified copy of this order.”
3. Learned counsel for the petitioner would submit that thereafter pursuant to the order passed by this Court the petitioner had filed the representation and the grievance redressal committee has passed the order despite the fact that the Collector has recommended for cancellation of the transfer order. The orders have been passed accordingly. He would further submit that the wife of the petitioner has been transferred to the Zila Panchayat Rajnandgaon in the year 2016 as per the policy that the husband & wife to be kept in the same place. Therefore, the transfer of the petitioner would defeat the transfer policy.
4. Perusal of the documents would show that the wife of the petitioner was transferred to Rajnandgaon in the year 2016. During the course of argument it is submitted that the petitioner is at the present place of posting since 2009. In view of this, I do not find any illegality in the order rejecting the representation of the petitioner. Therefore, unless and until the transfer is tainted with malafide or illegality it being the incident of service, the same cannot be interfered.
5. Accordingly, the petition is dismissed.

Sd/-

Goutam Bhaduri
Judge