

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 30 of 2020

Smt. Neelima Sahu W/o Jitendra Kumar Sahu Aged About 33 Years
Presently Posted And Working As Staff Nurse, Community Health
Centre, Gujra, District Dhamtari, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Health Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur, Chhattisgarh.
2. Chief Medical And Health Officer, Dhamtari, District Dhamtari, Chhattisgarh.
3. Rupesh Kumar, Staff Nurse, Community Health Centre Nagari, District Dhamtari, Chhattisgarh.

----Respondents

For petitioner – Shri Shashank Thakur, Advocate.
For State-Ms. Akansha Jain, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

07/01/2020

1. Grievance of the petitioner is that the petitioner who is working in Primary Health Centre Gujra, District Dhamtari is transferred to the Primary Health Centre, Nagri which is 70 kms away. The petitioner contends that as per Annexure P-2 the petitioner is suffering with 50% disability and the place of transfer is difficult to commute as the petitioner cannot drive any vehicle. He further contends that there are certain seats are vacant at District Hospital, Dhamtari and Community Health Centre, Bhakara, therefore further considering the ailment of the son of the petitioner who is suffering with septic arthritis since his childhood and required to be frequently treated, she may either be posted in the place where vacant posts are available. Apart from that husband of the petitioner is posted at Dhamtari, therefore as per the policy of the State husband and wife are normally to be kept at the same place.

2. Perused the documents. Annexure P-2 shows that the petitioner is suffering with 50% disability. Apart from it medical document shows that son of the petitioner is suffering with septic arthritis for the last 3-4 years and the document also shows that the petitioner's husband is posted at Dhamtari. In view of this, as per transfer policy clause 1.7 which purports that the person who is disabled they may be kept at a place where commuting is easier and taking into medical document of the son of the petitioner and the fact that the husband of the petitioner is posted at Dhamtari, the petitioner is given liberty to make a representation before the Grievance Redressal Committee within a period of three weeks from today. If such representation is filed, same may be decided within a further period of 45 days. As it has been stated today that the transfer order in respect of the petitioner has not been given effect to, same may not be acted upon till representation is decided.

3. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE