

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2018 of 2020

Gopal Chandravanshi S/o Shri Lal Ji Chandravanshi Aged About 37
Years R/o G-Type Staff Quarter Primary Health Centre Compus,
Pondi, District- Kabirdham, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Health And Family Welfare Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District- Raipur, Chhattisgarh.
2. Mission Director National Health Mission 4th Floor, C.G. Housing Board Commercial Campus, Sector- 27, Naya Raipur, Raipur, Chhattisgarh 492015
3. Chief Medical And Health Officer Kabirdham District- Kabirdtham, Chhattisgarh.

----Respondents

For petitioner – Shri Ishan Verma, Advocate.
For State- Shri Alok Bakshi, Addl. A.G.
For respondent No.2- Shri C. Jayant K. Rao, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

08/06/2020

Heard.

1. Challenge in this petition is to the order dated 19/08/2019 whereby the petitioner has been transferred from Primary Health Centre Bodla, District Kabirdham to Primary Health Centre Block Usur, District Bijapur. It is contended that in the transfer order Annexure P-1 it is written that it was on his own request and expense, however no such request has ever been made by the petitioner. Subsequently the petitioner has been forced to be relieved. It is further contended that subsequently the order of transfer which was made on the administrative ground has never been conveyed to the petitioner, therefore on the wrong facts and grounds petitioner stands transferred.
2. Learned counsel appearing for Mission Director National Health

Mission would submit that the initial transfer order was amended wherein it was written that the petitioner has been transferred on his own request expense and was amended on 4/09/2019 and it was made clear that the transfer was on the administrative ground. Reference is also made to the document dated 8/05/2020 which purports that the petitioner stands relieved to join at Bijapur.

3. Learned State counsel would submit that initial transfer order is of 19/08/2019 and for considerable time the petitioner slept over the same and did not challenge it. He would submit that order of transfer is challenged in the garb of the relieving order.

4. Heard learned counsel for the parties.

5. During the course of argument it is submitted that the petitioner was posted at Bodla District Kabirdham since 2015. Considerable period has been passed. Order which has been placed Annexure R-2/2 would show that initial order of transfer wherein it was written that the transfer on the self request was amended on 4/09/2019. Subsequently the petitioner stands relieved on 6^h May, 2020. Taking into totality of the fact and the period which has passed in between, I do not find any merit in this case to interfere as transfer is incident of service, unless and until it is malafide or illegal normally interference in transfer is uncalled for.

6. Accordingly, the petition is dismissed. The petitioner shall be at liberty to file representation.

Sd/-

(Goutam Bhaduri)

JUDGE