

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2219 of 2020

Smt. Chitrakala Pandey Wd/o Late Naresh Pandey Aged About 43 Years Occupation Service, Rural Health Organizer, Presently Working As Assistant Grade-3 In Receipt Section, Office Of Chief Medical And Health Officer, Bilaspur, Resident Of Opposite Bajpai Chambers, Rajendra Nagar, Police Station Civil Lines, Bilaspur, District Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Health And Family Welfare, Mahanadi Bhawan, Mantralaya, Nawa Raipur, Atal Nagar, District Raipur, Chhattisgarh
2. The Director Health Services, Government Of Chhattisgarh, Indravati Bhawan, Nawa Raipur, Atal Nagar, District Raipur, Chhattisgarh.
3. The Commissioner Health And Family Welfare Department, Government Of Chhattisgarh, Indravati Bhawan, Nawa Raipur, Atal Nagar, District Raipur, Chhattisgarh
4. Divisional Joint Director Bilaspur, Chhattisgarh,
5. The Chief Medical And Health Officer Seepat Road, Sarkanda, Bilaspur, Chhattisgarh
6. Anita Suryavanshi Rural Health Organizer (Female), Posted At Sub-Health Centre Selar, Tahsil Bilha, District Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Goutam Khetarpal, Advocate
For State	:	Mr. Amrito Das, Addl. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08/06/2020

Heard

1. Learned counsel for the petitioner would submit that the petitioner was appointed on compassionate appointment on 20.12.2005 to the post of Auxiliary Nursing Midwife (now Rural Health Organizer) in the office of CMHO (Chief Medical & Health Officer, Seepat Road, Bilaspur). Thereafter, she was appointed as Assistant Grade-III and the work was being taken from her. Now, she was asked to join at Sub-Health Centre, Selar Tahsil-Bilha, where Respondent No. 6 (Anita Suryavanshi) is already working and apart from that, the petitioner has not been charged as Auxiliary Nursing Midwife, therefore, the petitioner should not have been transferred to the post at Sub-Health Centre, Bilha.
2. Per contra, learned State counsel refers to the pleading referred by the petitioner to the subject matter. The pleading has been made that the petitioner was given compassionate appointment on 20.12.2005 to the post of Auxiliary Nursing Midwife which is known as Rural Health Organizer and after that, her services have been transferred to Sub-Health Centre, Selar. It cannot be stated that the petitioner was discharging her duty as Assistant Grade III and she cannot be transferred. It is the look out of the Government to accommodate and what work to be obtained from the petitioner. The primary pleading of the petitioner would show that she is working in the CMHO office since 2005-06 and since the petitioner has been transferred to Bilha, I do not find any merit in this matter to

interfere.

3. It is well settled law that the transfer of a Government Servant appointed to a particular cadre of transferable post from one place to the another is an incident of service, which cannot lightly be interfered with by Courts unless it is shown to be clearly arbitrary or visited by mala-fide or infraction of any prescribed norms of principles governing the policy of transfer. No Government servant or employee of Public undertaking has legal right for being posted at any particular place.
4. The petition being devoid of any force for the reason that it is the prerogative of the State to place an employee to a particular post and distribute the work, I am not inclined to interfere with the impugned transfer order. Consequently, the petition has no merit and is hereby dismissed.

Sd/-

(Goutam Bhaduri)
Judge