

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2356 of 2020**

- Smt. Sunita Shrestha W/o Vinod Kumar Shrestha Aged About 43 Years Presently Working As Staff Nurse, Community Health Centre, Pratappur, District Surajpur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Health, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh
2. The Director Directorate, Health Services Indrawati Bhawan, Atal Nagar, Raipur, District Raipur, Chhattisgarh
3. The Collector Surajpur, District Surajpur, Chhattisgarh
4. The Chief Medical And Health Officer Surajpur, District Surajpur, Chhattisgarh
5. Vinod Kumar Ravi Working As Staff Nurse At Ramkola, District Surajpur, Chhattisgarh
6. Secretary General Administration Department And Convener Senior Secretary Committee, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh

---- Respondents

For Petitioner : Shri V.K. Pandey, Advocate

For Respondents/State : Ms. Richa Shukla, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order****23/06/2020**

1. Heard.
2. This is the second round of litigation. The grievance of the petitioner is that the petitioner is working as Staff Nurse in the Community Health Centre, Pratappur, District Surajpur has been transferred to Ramkola, District Surajpur. The said transfer was subject to challenge in WPS No.5500 of 2019, wherein this Court

on 30.07.2019 has passed the following order:-

- “1. It is contended that the petitioner is working as Staff Nurse at Community Health Centre, Pratappur, District Surajpur and has been transferred to Ramkola, District Surajpur whereas in her place Shri Vinod Kumar Ravi (Respondent No.5) has been transferred from Ramkola, District Surajpur to Pratappur, District Surajpur. He further submits that at Pratappur out of 10 posts 8 Staff Nurse are working and 2 posts are vacant, therefore, the petitioner can very well continue at Pratappur, District Surajpur.
 2. Learned State counsel opposes the argument and submits that there is only a distance of around 40 kms between Pratappur to Ramkola.
 3. Considering the facts, the petitioner is given liberty to make a representation to the Redressal Committee which has been constituted by the State for the grievance against the transfer and if such representation is made, the Redressal Committee shall adjudicate the same on its own merits.
 4. With such observation, the petition stands disposed of.”
3. Learned counsel for the petitioner would submit that pursuant to the order passed by this Court in WPS No.5500 of 2019, the representation was filed. He would further submit that though the opinion from the Collector was called for and the same is awaiting despite that the representation of the petitioner has been dismissed in a slipshod manner, therefore, considering the grounds raised in the representation, the same may be considered and the transfer of the petitioner from Pratappur to Ramkola may be stayed. He would further submit that the place of transfer wherein the petitioner has been transferred is highly infected from COVID-19 and apart from that the elephant menace also exists.
 4. Learned State counsel vehemently opposes the argument raised by the petitioner and would submit that the grounds raised in the representation were duly considered while deciding the representation.
 5. Perused the cancellation of the recommendation dated 14.10.2019. Taking into the reasons stated and the defence advanced by the petitioner, I do not find any laudable reasons to interfere with the transfer order as the place of transfer is

only 40-45 KM away from the present place of posting along with the fact the reason projected in the representation is too self confined. 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 malafide or infraction of any prescribed norms of principles governing the policy of transfer which causes serious prejudice.

6. Accordingly, the petition is dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu