

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3833 of 2020**

- Smt Vidya Sahu W/o Shri Ishwar Sahu, Aged About 42 Years Working As A.N.M And Posted At Sub - Health Center Sidau Block - Navagarh District - Janjgir Champa Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through Secretary, Health And Family Welfare Department, Indravati Bhawan, Atal Nagar, Naya Raipur, Chhattisgarh
2. Commissioner Health Services Directorate Indravati Bhawan, Atal Nagar, Naya Raipur, Chhattisgarh
3. Chief Medical And Health Officer Janjgir - Champa District Janjgir - Champa Chhattisgarh
4. Block Medical And Health Officer Primary Health Center Navagarh District Janjgir - Champa Chhattisgarh

---- Respondents

For Petitioner : Shri Ashutosh Shukla, Advocate

For Respondents/State : Shri Chandresh Shrivastava, Dy. AG

Hon'ble Shri Justice Goutam Bhaduri**Order****01/10/2020**

1. Heard.
2. This is the second round of litigation. Earlier the petitioner since was transferred from Sub-Health Centre-Sidau, Block Nawagarh, District Janjgir-Champa to Government Primary Health Centre-Kothari, District Korba, Chhattisgarh, which was subject of challenge in WPS No.8074 of 2019, wherein this Court on 03.10.2019 has passed the following order:-

“1. The challenge in the present Writ Petition is to the order Annexure P-1 dated 16.09.2019, whereby the services of the petitioner have been transferred from Sub- Health Centre-Sidau, Block- awagarh, District: Janjgir-Champa to Govt. Primary School Centre-Kothari, District: Korba, Chhattisgarh.

2. Without entering into the merits of the case, counsel for the petitioner prays that, the petitioner may be permitted to make a representation to the respondents and the respondents in turn may be directed to 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 she so chooses, may prefer a detailed representation to the respondents. 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 copy of this Order, as per the rules.”
3. Learned counsel for the petitioner would submit that thereafter the respondents have not decided the representation of the petitioner in accordance with the judgment passed by this Court and simply has relieved the petitioner with an endorsement that after due consideration, the representation is rejected by order dated 29.08.2020.
 4. In the earlier round of litigation it appears that when the transfer was subjected to challenge, no stay order was passed in favour of the petitioner. Therefore, as on date the petitioner has been relieved by order dated 29.08.2020, no fresh cause of action can be said to have arisen. The grievance of the petitioner is that the order passed in WPS No.8074 of 2019 has not been complied with, she may avail the appropriate remedy as available to her under the law.
 5. Accordingly, the petition sans merit is liable to be and is hereby dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu