

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 28 of 2020**

(Arising out of order dated 11/12/2019 passed by learned Single Judge in WPS No. 10481 of 2019)

- Smt. Sita Dhruve, W/o Ram Khilavan Dhruve, aged about 49 years, R/o Ward No. 11, Near Chandi Mandir, Dongargarh, District Rajnandgaon, Chhattisgarh.

-----Appellant**VERSUS**

1. State of Chhattisgarh through the Secretary Health and Family Welfare Department, mantralaya, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh
2. The Collector, Rajnandgaon, District Rajnandgaon, Chhattisgarh
3. The Chief Medical and Health Officer Rajnandgaon, District Rajnandgaon, Chhattisgarh
4. The Grievances Redressal Committee, through its Principle Secretary, Mahanadi Bhawan, Atal Nagar, Naya Raipur District Raipur Chhattisgarh

-----Respondents

For Appellant	:	Mr. B.P. Singh, Advocate
For Respondents	:	Mr. Sudeep Agrawal, Deputy Advocate General

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice**Hon'ble Shri Parth Prateem Sahu, Judge****Judgment on Board****Per Parth Prateem Sahu, J.****13/01/2020**

1. Challenge in this appeal is to the order dated 11-12-2019 passed by the learned Single Judge, whereby learned Single Judge dismissed the writ petition filed against the transfer of the appellant/ writ petitioner from Primary Health Centre, Ramtola, Vikas Khand Dongargarh, Rajnandgaon to Sub-Health Center Khebha, Community Health Center, Chhuriya District Rajnandgaon.
2. The appellant challenged the order of her transfer in WP(S) No. 5630/2019 which was disposed of with the direction to make representation. She submitted her representation and the Committee constituted to consider and decide the grievance of the employees against their transfer rejected the representation.

The writ petition filed against rejection of representation also came to be dismissed by the impugned order.

3. The learned counsel for the appellant submits that the the appellant is working as Rural Health Coordinator (Woman) and posted at Primary Health Centre, Ramtola and she was transferred to Sub-Health Center Khebha, Community Health Center, Chhuriya District Rajnandgaon without any administrative exigency. He submits that the appellant and her husband are the Government employees and according to the Transfer Policy of 2019 issued by the State Government, both husband and wife to be posted at the same place. Earlier petition filed by the appellant bearing No. WP(S) 5630/2019 was disposed of with direction to make representation to the authorities and in pursuance to that, she made representation but the same was dismissed arbitrarily. The Committee which was constituted for considering the transfers of the Government employees, has not taken into consideration the grounds raised in representation and Clause 1.10 of the transfer policy objectively. The opinion of the Collector in favour of the appellant was also not considered and the representation was rejected.
4. Per contra, Mr. Sudeep Agrawal, learned Deputy Advocate General representing the State submits that the policy is only a guideline to the authority issuing order of transfer or recommending Government employees for transfer. Any Government servant cannot take the plea of transfer policy as a matter of right. It is also submitted that the grounds raised by the appellant will not be any help to her, as both the appellant and her husband are employees of different Government.
5. We have gone through the pleadings made by the appellant as well as the documents annexed along with the records, it is not in dispute that husband of the appellant is also a Government employee but he is under employment of Central Government and working at Central School, Dongargarh.

6. Looking to the fact that the appellant is employed under State Government and her husband employed under Central Government, therefore, Clause 1.10 of the Transfer Policy, 2019 on which the appellant has placed reliance, will not come to her rescue. This policy has been formulated by the State Government to consider the place of posting of husband and wife under employment of the State Government where either one of them can be posted at a place of posting of his/her spouse looking to the exigency of service. The other ground raised by the learned counsel for the appellant that even the Collector has opined that the appellant may be posted at the place of posting of her husband which was also not considered by the learned Single Judge, it is the only opinion which was sought from the Collector but ultimately it is for the authority of the Department to consider at which place the services of the Government servants can be utilized in better manner, keeping in view the administrative exigency.
7. Looking to the aforementioned facts and circumstances of the case, we do not find any merit in the appeal which is liable to be and is hereby dismissed.

Sd/-
(P.R. Ramachandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge