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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 15 of 2020**

(Arising out of order dated 12.12.2019 passed in Writ Petition (S) No.10500 of 2019 by the learned Single Judge)

Kalpana Samuel D/o Late C.B. Samuel Aged About 51 Years Posted As Lab Technician, Resident Of Quarter No. 32 Sakuntala Colony, Baikunthpur, Tahsil Baikunthpur, District Korea Chhattisgarh.

---- Appellant**Versus**

1. State of Chhattisgarh Through The Secretary, Health And Family Welfare Department, Mantralaya, Atal Nagar, New Raipur Chhattisgarh.
2. The Director Directorate of Health Services, Chhattisgarh, Indravati Bhawan, Raipur Chhattisgarh.
3. The Collector Baikunthpur, District Korea Chhattisgarh.
4. The Chief Medical And Health Officer District Korea Chhattisgarh.
5. Afsana Anjum Posted As Lab Technician, Primary Health Center, Barpara, District Korea Chhattisgarh.
6. The Block Medical Officer Community Health Center, Patna, District Korea Chhattisgarh.
7. The Grievance Redressal Committee Government of Chhattisgarh, Atal Nagar, Nawa Raipur Chhattisgarh.

---- Respondents

For Appellant	: Shri Rahul Mishra, Advocate
For Respondent/State	: Shri Gagan Tiwari, Deputy Government Advocate.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice

Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board**Parth Prateem Sahu, Judge****09.01.2020**

1. Challenge in this appeal is to the order dated 12.12.2019 passed by the learned Single Judge in Writ Petition (S) No.10500 of 2019 whereby the petition filed by the Appellant was dismissed after considering the decision taken by the Committee constituted to consider the representations of the employees challenging their transfers.

2. The Petitioner who was working at Community Health Centre, Patna on the post of Lab Technician was transferred to Primary Health Centre, Kotadol (Janakpur), against which, she has filed writ petition before this Court on the ground that her mother was suffering from severe medical ailment and she was also suffering from Hepatitis-B.
3. Considering the grounds raised by the Appellant in the earlier writ petition, learned Single Judge passed an order directing the Appellant to make representation before the Committee constituted to consider the representation relating to transfer of government employees and directed to decide the said representation within a period of 45 days and till then, the effect and operation of the order of transfer so far as it relates to the Appellant has been stayed.
4. The Appellant, in pursuance to the order passed by learned Single Judge in Writ Petition (S) No.5439 of 2019, has made a representation before the Committee and the Committee looking into the ground raised in representation filed by the Appellant, sought for an opinion from the District Collector. Unfortunately, the opinion of the District Collector did not reach on 01.10.2019, on which date, the representation of the Appellant was decided and the said Committee was declined to interfere with the order of transfer of Appellant and rejected the same.
5. Rejection of the representation filed by the Appellant before the Committee made the Appellant to approach this Court again by filing Writ Petition (S) No.10500 of 2019 and learned Single Judge after considering facts and issues, particularly, the decision dated 01.10.2019 of the Committee,

dismissed the writ petition by the impugned order.

6. Shri Rahul Mishra, learned Counsel appearing for the Appellant submits that the District Collector has given his opinion in favour of the Appellant, which unfortunately reached to the office of the Committee only after deciding the representation of the Appellant. He further submits that the health of the mother of the Appellant is very serious and looking to the opinion of the Collector, in which, he has opined that the transfer of the Appellant can be interdicted. Further, contention of the appellant is that the transferred place of posting is about 200 Kms. away from present place i.e. Baikunthpur, she has to take her mother to hospital at Bilaspur or other good hospital as she is suffering from some nuro ailment.
7. Per contra, Shri Ghanshyam Patel, learned Government Advocate appearing on behalf of the State submits that the Committee has already considered the grounds raised by the Appellant in her representation as well as the ground of medical ailment of her mother and considering all the facts and circumstances of the case, dismissed the representation. He further submits that in view of above, the relief sought for by the Appellant for interdicting her transfer order could not be granted.
8. We have perused the decision taken by the Committee dated 01.10.2019, in which, it has been mentioned that they have called for the opinion from the District Collector, but on the date of deciding the representation by the Committee on 01.10.2019, the said opinion of the District Collector has not reached to the office of the Committee.

9. Along with the writ petition, the Appellant has annexed copy of the order of Collector dated 07.10.2019, in which, it has been mentioned that after taking the opinion from the Chief Medical and Health Officer, District Koriya (Baikunthpur), Chhattisgarh, he has recommended for the posting of the Appellant at Community Health Centre, Patna.
10. Looking to the order passed by the Collector dated 07.10.2019, which unfortunately could not reach to the office of the Committee on the date of deciding the representation of the Appellant by the said Committee, in the opinion of this Court, the Appellant is directed to again approach to Respondent No.7-Committee by way of filing a representation along with copy of this order as well as copy of the writ petition and writ appeal with all relevant documents, and in turn, Respondent No.7 will decide the representation of the Appellant in an objective manner considering the order/opinion of Collector dated 07.10.2019. This exercise be done by Respondent No.7-Committee at the earliest preferably within a period of two weeks' from the date of filing of a representation by the Appellant.
11. With the above observation/direction, writ appeal stands disposed of.

Sd/-

(P.R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge