

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 6 of 2020**

- Mrs. Saraswati Chakravartty W/o Mr. Purnendu Chakravartty Aged About 54 Years Posted Rural Health Organizer (Female), Posted At Sub Health Center Kokpur, Block Kanker District Uttar Bastar Kanker Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department, Of Health And Family Welfare, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur Chhattisgarh.
2. The Collector District Uttar Baster Kanker Chhattisgarh.
3. Chief Medical And Health Officer District Uttar Baster Kanker Chhattisgarh.
4. Block Medical Officer Primary Health Center Dhanelikanhar, District Uttar Bastar Kanker Chhattisgarh.
5. Committee Of Senior Secretaries Through Its President / Chairman Naya Raipur, District Raipur, Chhattisgarh
6. Smt. Archana Thakur Primary Health Center, Amabeda, Block Antagarh, District Uttar Bastar Kanker.

---- Respondents

For Petitioner	:	Shri Parag Kotecha, Advocate
For Respondents/ State	:	Shri Kapil Maini, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****07/01/2020**

1. Heard.
2. This is second round of litigation. The petitioner was transferred from Primary Health Center Kokpur, Block Kanker to Primary Health Center, Amabeda, Block Antagarh by order dated 12.07.2019 which was subject of

challenge in WPS No. 8434 of 2019 wherein this Court on 16.10.2019 has passed the following orders:-

1. Learned counsel for the petitioner would submit that the petitioner who is working as Rural Health Organizer (Female) at Primary Health Center, Kokpur, Block Kanker has been transferred to Primary Health Center, Amabeda, Block Antagarh by an order dated 12/07/2019. It is contended that the petitioner is 40% disabled as per Annexure P-4 and there is no direct conveyance is available to reach the place of transfer. Consequently, representation was filed by the petitioner which too was forwarded by the Joint Collector to the Chief Medical Officer, however the same is not being decided. It is therefore contended that transfer of the petitioner to the remote place wherein conveyance is not available may be cancelled.

2. Perused the document Annexure P-4 which certifies that the petitioner is 40% disabled. Considering such disability recommendation was made by Joint Collector to the Chief Medical Officer and the fact that representation has been made, petitioner is directed to file fresh representation within a period of 15 days from today to the respondent No.3, Chief Medical and Health Officer, Uttar Bastar Kanker.

3. Learned counsel for the petitioner would submit that the petitioner thereafter has made a representation to the Collector and the representation has been dismissed. It is stated that the Collector without going into the merits has decided the case on the ground that the representation was required to be made before the Grievance Redressal Committee which is constituted to hear the cases of transfer, therefore, the transfer required to be cancelled.
4. Reading of the order dated 16.10.2019 shows that a specific order was

passed taking into the fact that the petitioner is 40 % disabled, to file the representation to Chief Medical Officer, Uttar Baster and the earlier order was passed on the behest of the petitioner itself. Since the petitioner herself has not complied with the earlier order and has not filed any representation to Respondent No. 3 i.e. Chief Medical and Health Officer, Uttar Baster and instead chosen to file a representation before the Collector. I do not find any reason to interfere with the order of Collector.

5. However, the fact that the petitioner has projected that she is 40 % disabled and no direct conveyance is available to the place of transfer i.e. Amabeda, cannot be ignored. Taking into plea of disability and the fact that the representation of petitioner has not been decided on merits by Collector but is dismissed for want of jurisdiction. The petitioner is given liberty to file a representation before the Grievance Redressal Committee along with all the medical document within a period of 15 days from today and the same may be decided within a further period of 45 days from the date of receipt of a copy of this order. Till such representation is decided if the transfer order is not complied with, till date the same may not be given effect too.
6. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge