

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CWP No. 11225 of 2020 (O&M)
Date of Decision: 14.9.2020

Neelam

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Balraj Gujjar, Advocate
for the petitioner.

Mr. S.S. Pannu, DAG, Haryana.

JAISHREE THAKUR, J.

1. The petitioner has approached this Court by way of instant writ petition seeking to challenge order dated 17.7.2020 passed by respondent No.2, whereby the deputation of the petitioner at Sub-Health Centre Dang, District Bhiwani from Sub-Health Center Obera, District Bhiwani has been declined.

2. In brief, the facts are that the petitioner was serving as Multi Purpose Health Worker at Sub-Health Center Obera, District Bhiwani. Her husband got registered FIR No. 66 dated 17.4.2020 under Sections 377/506/34/120-B IPC and Section 3 (2) (5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against certain persons for committing unnatural act with the son of the petitioner. Apprehending threat at the hands of the accused nominated in the said FIR, the petitioner made a request for her transfer on 15.6.2020 to some other Sub-Health Center. The request of the petitioner was accepted and she was

transferred to Sub-Health Center Dang, District Bhiwani, against a vacant post from 3.7.2020 to 2.8.2020 by order dated 2.7.2020 passed by the Deputy Civil Surgeon, Bhiwani. Pursuant to the said letter, she joined at Sub-Health Center Obera, District Bhiwani. However, the said deputation has been rejected by order dated 17.7.2020. Aggrieved against the said order, the instant writ petition has been filed.

3. Learned counsel for the petitioner herein would contend that both Sub-Health Center Obera, where the petitioner was initially appointed and Sub-Health Center Dang, where she has been transferred, fall under the administrative control of the Chief Medical Officer, Bhiwani, and therefore, order dated 17.7.2020 ought to be set aside and she be permitted to continue work at Sub-Health Center Dang, District Bhiwani.

4. Per contra, learned counsel for the respondents—State would submit that the petitioner had requested for transfer from Sub-Health Center Obera to another Sub-Health Center only on the ground that she was apprehending threat perception from the accused, namely Rakesh and Kuldeep, nominated in FIR No. 66 dated 17.4.2020, which has been got registered by her husband. Learned counsel further contend that there is no regular substantive post under the National Health Mission and employees are appointed purely on contractual basis and that too for a certain specific period. It is further submitted that even though the petitioner had been sent on deputation, there are instructions available dated 17.2.2020 as issued by the Ministry of Health and Family Welfare, Government of India, wherein it has been specifically and categorically mentioned that appointments under National Health Mission are contractual in nature and based on local selection criteria and therefore, the petitioner cannot be accommodated at

Sub-Health Center Dang.

5. I have heard learned counsel for the parties and perused the paper book and find that there is no ground to interfere in the impugned order. The only ground on the basis of which the petitioner had sought transfer from Sub-Health Center Obera to Sub-Health Center Dang was on account of the fact that FIR No. 66 dated 17.4.2020 had been got registered by her husband against accused Rakesh and Kuldeep and she was apprehending threat perception from these accused. However, the instructions dated 17.7.2020 (Annexure R2/1) issued by the Ministry of Health and Family Welfare, Government of India, clearly states that appointments under National Health Mission are contractual in nature and based on local selection criteria. The posts under National Health Mission are appointed and placed for a particular facility/administrative unit and the same are non transferable in nature.

6. In view of the above, the writ petition is dismissed. However, in case the petitioner apprehends any threat from the persons nominated as accused in the aforesaid FIR lodged by her husband, she is at liberty to take her legal recourse for redressal of grievance in accordance with law.

14.9.2020
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No