

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 761 of 2021**

Smt. Saroj Mishra W/o Shri Ashwani Tiwari Aged About 49 Years Presently
Posted As Ophthalmic Assistant Officer At Community Health Centre
Tumgaon, Block Mahasamund, District Mahasamund, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Health And Family Welfare Department, Mantralaya, Mahanadi Bhawan, Nawa Raipur, District Raipur, Chhattisgarh
2. Under Secretary Health And Family Welfare Department, Mantralaya, Mahanadi Bhawan, Nawa Raipur, District Raipur, Chhattisgarh
3. Chief Medical And Health Officer District Mahasamund, Chhattisgarh
4. Block Medical Officer Tumgaon, District Mahasamund, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Ishan Verma, Advocate
For State	:	Ms. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

19/02/2021

1. The challenge in the present writ petition is to the impugned order Annexure P/1 dated 15.07.2020. Vide the said impugned order the representation which the petitioner had made against the order of transfer dated 23.08.2019 has been rejected.
2. The present is a second round of litigation. The earlier round of litigation was WPS No. 7387/2019, which got disposed of on 11.09.2019. While disposing of the said writ petition, this Court had

granted an interim protection to the petitioner considering the fact that she was claiming protection of being an office bearer of the Chhattisgarh Pradesh Swasthya Karmachari Sangh. The petitioner by virtue of the interim protection granted by this Court has been retained at the said place up till now, wherein the representation now stands rejected.

3. The solitary ground raised by the petitioner in assailing the said order is that the impugned order has been passed in a mechanical manner and that the authorities concerned while deciding the representation has not considered the aspect of protection which an office bearer of union is otherwise entitled for.
4. Having considered the contentions put forth by the counsel for the petitioner what needs to be considered is the fact that the law so far as the transfer policy and the guidelines of the State Government in respect of transferring of an employee/officer is concerned, are only a guideline in nature and do not have any statutory force of law. Moreover, in the instant case the petitioner has already put in a considerable amount of service at the present place of posting.
5. Another aspect which has to be born in mind is that the even after the impugned order of transfer was passed as early as on 23.08.2019, the petitioner thereafter again has till now for a period of almost 1 ½ years have been able to discharge his duties at the original place of posting. As such she has again put in a considerable period of time at the same place.

6. For all the aforesaid reasons, this Court do not find any merits in the writ petition calling for an interference with the issuance of the impugned order Annexure P/1 rejecting the representation of the petitioner. The writ petition thus fails and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge

Ved