



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 277 of 2023

- Priti Shandilya W/o Shri Umendra Kumar Nishad Aged About 30 Years LIG-9, Housing Board Colony, Thelkabod, District Kanker Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Public Health And Family Welfare Department, Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar Raipur District Raipur Chhattisgarh
2. The Collector District North Bastar Kanker Chhattisgarh
3. The Director Health Services, Indravati Bhavan, Atal Nagar Raipur District Raipur Chhattisgarh
4. The Chief Medical And Health Officer Kanker, District North Bastar Kanker Chhattisgarh

----Respondents

For Petitioner : Shri Shishir Dixit, Advocate
For Respondents/State : Shri Ravi Bhagat, GA

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

13.01.2023

1. Heard.
2. Challenge in this writ petitione is to the impugned order dated 30.09.2022, whereby petitioner, who is holding the post of Staff Nurse and posed at Komaldev District Hospital, Kanker is transferred to Community Health Centre, Koylibeda, district-Kanker on administrative ground.
3. Learned counsel for petitioner would submit that husband of petitioner is an Army Man. In discharge of his duties, he has to reside out of his house all the time and he comes only for a short period on leave to his house to meet his family members. At present, husband of petitioner is posted in Kolkata. Petitioner is the only lady who has to take care of her old in-laws and children. Petitioner gave birth to twin children, who are only about one year of age as of now. Transfer place of posting is difficult schedule area and is a Naxalite belt.



After receiving order of transfer, petitioner immediately submitted representation on 21.10.2022 before the Committee constituted under Clause-8 of Transfer Policy for redressal of grievances of its employees against transfer. Petitioner is still on maternity leave till March, 2023 and therefore, she has not been relieved till date pursuant to order of transfer. He submits that as the representation submitted by petitioner has not been considered and decided till date, at this stage, grievance of petitioner would be redressed if a direction is issued to the Committee to consider and decide pending representation of petitioner within specified time.

4. Learned State counsel submits that transfer of petitioner is on administrative ground, hence, order of transfer does not call for interference, however, he submits that if representation of petitioner is not decided yet, it will be decided in accordance with law at the earliest.

5. Heard learned counsel for the parties.

6. Taking into consideration submissions of learned counsel for petitioner that, husband of petitioner is an Army Man and presently posted at Kolkata, he has to remain present at place of posting in discharge of his duties away from his family, petitioner pursuant to order of transfer, has already submitted representation on 21.10.2022 before the Committee constituted under Transfer Policy, I find it appropriate to dispose of this petition at this stage directing petitioner to submit fresh representation before the Committee, and the Committee shall consider and decide the same in accordance with law, within specified time.

7. Accordingly, writ petition stands disposed of directing petitioner to submit detailed fresh representation before the Committee in addition to her earlier



representation within a period of **two weeks** from today, raising all grounds as raised in writ petition. If such representation is submitted by the petitioner, Committee shall consider and decide the same in accordance with law within outer limit of **three weeks** from the date of receipt of representation.

8. Till decision on representation to be submitted by petitioner, no coercive steps be taken against petitioner.

9. Accordingly, writ petition stands disposed of.

10. Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

