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(2022) 01 SHI CK 0051

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 1781 Of 2019

Dr. Deepika Sharma APPELLANT

Vs

State Of Himachal Pradesh And Others RESPONDENT

Date of Decision : 17-01-2022

Acts Referred:

Citation : (2022) 01 SHI CK 0051

Hon'ble Judges : Satyen Vaidya, J

Bench : Single Bench

Advocate : Anil Kumar, Sumesh Raj, Narender Guleria, Kunal Thakur

Final Decision : Disposed Of

Judgement

Satyen Vaidya, J

1. The petitioner has filed the instant petition for following reliefs:

That impugned notification/office order dated 23.12.2021 contained in Annexure P-1 vide which the petitioner has been ordered to be transferred from

CHC Bhabanagar, District Kinnaur to Primary Health Centre Swahan, District Bilaspur, H.P. may very kindly be quashed and set aside and in the

alternative the petitioner may kindly be permitted to discharge her officials duties at present place of posting i.e. CHC Bhabanagar, District Kinnaur or

she may kindly be transferred to PHC Swarghat, District Bilaspur, H.P. keeping in view of her weak medical health in the interest of justice.

Â ii) That the respondents may very kindly be directed to decide the representation of the petitioner in a time bound mannerâ??.

2. It has been submitted on behalf of the petitioner that she is suffering from serious ailment and has been operated upon at PGI, Chandigarh in

September, 2021. She has been advised to restrict frequent travelling. As per

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petitioner, her transfer vide Annexure P-1 was effected at her request

on medical grounds and subsequent personal difficulties but instead of considering her request for transfer at her native place Swarghat, she has been

transferred to PHC Swahan, District Bilaspur, H.P., which is at the distance of 15 k.m. from Swarghat. Her contention is that she will have to

undertake travelling daily from Swarghat to Swahan and back, which is neither feasible nor practicable for her due to health reasons. She has made a

representation to respondent No.1 on 31.12.2021 (Annexure P-2).

3. Learned counsel for the petitioner submits that in the given facts and circumstances, his client shall be satisfied in case the respondents are directed

to consider her representation dated 31.12.2021 (Annexure P-2) on her health grounds in a time bound manner.

4. Though, no ground for interference has been made out in the petition, however, keeping in view the peculiar facts and circumstances and health

reason of the petitioner, it is deemed expedient to direct the respondents to consider the representation dated 31.12.2021 (Annexure P-2) of the

petitioner, within two weeks from today. However, this order is being passed keeping in view the peculiar facts and circumstances and shall not be

treated as a precedent. It is made clear that till the representation of the petitioner is not decided, she shall not be compelled to join the place of posting

in pursuance to transfer order Annexure P-1.

5. In the aforesaid terms, the present petition is disposed of. Pending applications, if any, also stand disposed of.

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