

(2018) 08 J&K CK 0098

In the Jammu And Kashmir High Court

Case No : Service Writ Petition No.1765 Of 2018

Dr. Salma Parveen @APPELLANT@Hash State of J&K and anr

Date of Decision : 31-08-2018

Acts Referred:

Citation : (2018) 08 J&K CK 0098

Hon'ble Judges : Sanjeev Kumar, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

1. The petitioner, Dr. Salma Parveen is a Dental Surgeon and was posted in Migrant Dispensary, Muthi (Phase-I), Jammu in the year 2017. She was transferred and posted in Community Health Centre, Bhaderwah vide order No. 961-G of 2017 dated 06.10.2017 issued by respondent No.2. This order of transfer was questioned by the petitioner in SWP No.2477/2017, inter alia on the grounds that her ailing mother was residing with her and that there was no male member at Jammu to take her care. It was also stated that the husband of the petitioner who is a Medical Officer was also posted in Bhaderwah. The petition was disposed of this Court with a direction to the respondents to reconsider her grievance in terms of averments made in the writ petition. Consequently, respondent No.2 vide his order No. DHSJ/Legal/6778-81 dated 24.08.2018 reconsidered the transfer of the petitioner in terms of the directions issued vide order dated 11.10.2017 passed in SWP No.2477/2017 and rejected the same being devoid of merit. Respondent No.2 also took note of the fact that the husband of the petitioner, a Medical Officer who was earlier serving in SDH, Bhaderwah had been transferred to NTPHC Sidhra, Jammu and, therefore, was an available male member in the family of the petitioner to take care of ailing mother. The petitioner

was thus directed to report to CHC, Bhaderwah, for further duties in compliance to the order dated 06.10.2017.

2. Petitioner is aggrieved of the order dated 06.10.2017 and has assailed the same in this petition. The petitioner has reiterated same grounds as were

urged by her in the earlier petition viz. that her mother is an old ailing lady of more than 75 years of age and, therefore, there is no family member in the family to take her care.

3. Having heard learned counsel for the petitioner and perused the record, it is seen that the petitioner who was serving in Migrant Dispensary,

Muthi (Phase-I), Jammu was transferred and posted in CHC, Bhaderwah on 06.10.2017, did not comply with the aforesaid order and instead

challenged his transfer in SWP No.2477/2017. This Court did not find favour with the averments made by the petitioner for quashing the impugned

order of transfer but directed that her claim for transfer be reconsidered in the light of averments made in the writ petition. Respondent No.2

considered the grievance and did not find any merit therein and she was accordingly directed to comply with her transfer order and report for further

duties in CHC, Bhaderwah. I find no infirmity in the order impugned which has been passed by respondent No.2 in compliance of direction passed in

SWP No.2477/2017. The husband of the petitioner, who was earlier serving in Bhaderwah, has now come to Jammu and is himself a doctor. He

would therefore be in a better position to look after his mother. The plea of the petitioner reiterated in the instant petition is nothing but an attempt to

avoid her posting in Bhaderwah and serve the ailing community of the area. The care and amount of concern which the petitioner is showing for her

mother needs to be exhibited in case of ailing mothers of residents of Bhaderwah as well. Those mothers too are entitled to treatment by a qualified

Medical Practitioner like the petitioner.

4. The writ petition is utterly misconceived and the same is, accordingly, dismissed along with connected IA. It was a fit case for imposition of

exemplary cost for misusing the process of law but I have refrained from doing so keeping in view that the petitioner is a woman and a doctor. I am

sure she will remain careful in future.