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**(2014) 06 SHI CK 0055**  
**In the High Court Of Himachal Pradesh**  
**Case No : CWP No. 1455 of 2014**

Manjula

APPELLANT

Vs

State of H.P.

RESPONDENT

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**Date of Decision :** 25-06-2014

**Acts Referred:**

**Citation :** (2014) 06 SHI CK 0055

**Hon'ble Judges :** Sureshwar Thakur, J;Rajiv Sharma, J

**Bench :** Division Bench

**Advocate :** B.S. Chauhan, Advocate for the Appellant; N.K. Sharma, Dy. A.G., Ramesh Thakur, Assistant Advocate General and Nivedita Sharma, Advocate for the Respondent

**Final Decision :** Allowed

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## Judgement

Rajiv Sharma, J.—The petitioner was initially appointed as Staff Nurse through RKS General Government Hospital, Bilaspur at Community Health Centre, Markand, District Bilaspur and she worked in such capacity till July, 2012. Thereafter in August, 2013, as per policy decision by the respondents, petitioner was appointed on contract basis and an agreement was entered into between the petitioner and State. Condition No. 6 of the agreement reads as under:-

6. An official appointed on contract basis who have complete three years tenure at one place of posting will be eligible for transfer on need based basis wherever required on administrative grounds.

2. Petitioner has only worked for one year at Community Health Centre, Markand in District Bilaspur as staff Nurse. She has been transferred vide impugned order dated 5.3.2014 (Annexure P-2) to CHC, Paonta Sahib vice respondent No. 3. Respondent No. 3, though served, but no reply has been filed on her behalf. The transfer of the petitioner has been effected in breach of condition No. 6, reproduced hereinabove. Petitioner could not be transferred before permitting her to complete three years.

3. Accordingly, the petition is allowed and order dated 5.3.2014 (Annexure P-2) is quashed and set aside. Petitioner is permitted to complete her normal tenure at CHC, Markand, District Bilaspur.

All pending application(s), also stands disposed of.