
(2013) 10 SHI CK 0023
In the High Court Of Himachal Pradesh
Case No : CWP No. 6445 of 2013-E

Prem Lata Sharma

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 15-10-2013

Acts Referred:

Citation : (2013) 10 SHI CK 0023

Hon'ble Judges : Sanjay Karol, J;Rajiv Sharma, J

Bench : Division Bench

Advocate : Ranjana Parmar, for the Appellant; Shrawan Dogra, Advocate, Mr. R.S. Verma, Additional Advocate General, Mr. R.M. Bisht, D.A.G. for the State and Mr. Manish Sharma, Advocate, for the Respondent

Final Decision : Dismissed

Judgement

Sanjay Karol, J.—Petitioner Ms Prem Lata Sharma, who is working as Ward Sister, has prayed for the following relief:

That the impugned order dated 13.8.2013 (Annexure P-2) may kindly be quashed and set aside and the petitioner may kindly be allowed to continue at the present place of posting.

Vide impugned order dated 13.8.2013 (Annexure P-2), petitioner stands transferred from CHC Dehar, District Mandi to IGMC Shimla, vice private respondent Ms Meena Sharma.

2. Noticeably, prior thereto, vide order dated 26.4.2013 (Annexure P-1), petitioner was transferred from RH Bilaspur to CHC Dehar, District Mandi. This transfer was on mutual basis.

3. Having heard learned counsel for the parties as also perused the record, we are of the considered view that petitioner, who hails from Bilaspur, somehow managed to remain posted in and around her place of residence and more particularly in her home District. Her places of posting, in a tabulated form, are

as under:

4. Transfer of petitioner, vide Annexure P-1, was on mutual basis. Respondents have justified that her transfer, within a short span of less than four months, is in public interest and based on administrative exigency. It is not that petitioner has been sent to a hard/difficult/tribal area by way of punishment. In fact, petitioner should be happy with her transfer to IGMC at Shimla, a premier State level hospital, having all facilities. Her services are better required at Shimla.

5. It is also contended that being a couple case, she has to be posted along with her husband. We are afraid, Transfer Policy does not confer a vested right in the petitioner in that regard. Placement and posting of a spouse, at the same place, is based on various attending factors and circumstances, including existence of vacancy, which is not there in the instant case. Hence, the petition, devoid of merit, is dismissed.

Pending application(s), if any, also stands disposed of.