

(2023) 02 SHI CK 0011

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 603 Of 2023

Shivani Chandel

APPELLANT

Vs

State Of H.P. & Another

RESPONDENT

Date of Decision : 09-02-2023

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2023) 02 SHI CK 0011

Hon'ble Judges : Sushil Kukreja, J

Bench : Single Bench

Advocate : Narender Singh Thakur, Vishal Panwar, Rajat Chauhan

Final Decision : Disposed Of

Judgement

Sushil Kukreja, J

1. The present petition has been filed by the petitioner under Article 226 of the Constitution of India, praying therein for following substantive reliefs:-

"i) That any appropriate writ/order or direction may kindly be issued and the respondents may kindly be directed to transfer the petitioner from present place of posting i.e. Indira Gandhi Medical College, Shimla, Distt. Shimla, H.P. to RH Bilaspur, District Bilaspur, Himachal Pradesh.

ii) That any appropriate writ/order or direction may kindly be issued and the respondents may be directed to consider the representation of the petitioner."

2. The case of the petitioner is that she joined as Staff Nurse at Indira Gandhi Medical College, Shimla, District Shimla, Himachal Pradesh and she made representation (Annexure P-1) to the respondent-department on 6.12.2022 for her transfer from present place of posting due to the reason that she is not able to look after her eight months old child properly.

3. Notice. Mr. Vishal Panwar, learned Additional Advocate General appears and accepts notice on behalf of the respondents.

4. At this stage, learned counsel for the petitioner submits that the petitioner would be satisfied in case the respondents are directed to decide her representation (Annexure P-1) in some time bound manner. He also submits that as regards the individual hardship, it is settled that the same is required to be considered by the Employer and he has placed reliance upon the judgment of the Hon'ble Supreme Court in Rajendra Roy vs. Union of India and Anr. (1991) 1 SCC 148.

5. Therefore, without advertting to the merits of the case, this petition is disposed of with a direction to respondent No.2 to decide the representation of the petitioner (Annexure P-1) as expeditiously as possible, preferably within a period of three weeks from today, strictly in accordance with law.

Pending applications, if any, shall also stand disposed of.