
(2010) 11 RAJ CK 0067
In the Rajasthan High Court
Case No : Civil Writ Petition No. 14633 of 2010

Smt. Mamta Dubey

APPELLANT

Vs

State of Raj. and Others

RESPONDENT

Date of Decision : 01-11-2010

Acts Referred:

Citation : (2010) 11 RAJ CK 0067

Hon'ble Judges : Ajay Rastogi, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Ajay Rastogi, J.—Instant petition has been filed by the Petitioner assailing the order of transfer and so also of the Service Appellate Tribunal whereby the appeal preferred on 19.03.2007 has been finally dismissed by the learned Tribunal vide order dt.07.07.2010.

2.The Petitioner is working as ANM since December, 1986. However vide order dt.31.10.2005 she was transferred from PHC, Khatoli, District Kota to Government Hospital, Surajpole, Kota. However by way of corrigendum made on 31.01.2007, the Petitioner in place of Respondent-was transferred to District Baran which is at a distance of 200 kms and it was further modified vide order dt.21.2.2007 which was challenged by filing appeal-654/2007 on 19.03.2007 before the Service Appellate Tribunal. The learned Tribunal pending appeal granted interim relief in regard to order impugned pursuant thereto the Petitioner was allowed to continue to work in Government Hospital, Surajpole, Kota and for all practical purposes she remained posted since October,2005 and worked for almost five years by now. The learned Tribunal on examining the material on record did not find any illegality being committed by the authority while passing the order impugned and also observed that merely on account of allegation being levelled it cannot be considered to be politically motivated order which may require interference.

3. The transfer is otherwise incidence of service and no-one can claim right or lien to continue at one station and as already observed supra she remained posted and practically worked for almost five years at Government Hospital, Surajpole, Kota, where she has been transferred and posted vide order dt.31.10.2005 can certainly be shifted to another place if so desired in the interest of administration. It is also not the case of the Petitioner that the action impugned is in violation of scheme of rules and so far as the allegation in regard to order impugned being politically motivated is concerned, there was no material came on record, in absence whereof the learned Tribunal rightly observed that the action cannot be said to be malafide.

4. This Court has also gone through the orders impugned and does not find any manifest error being committed by the Tribunal which may call for interference.

5. Consequently the petition being devoid of merit is hereby dismissed.