
(2007) 04 UK CK 0030
In the Uttarakhand High Court
Case No : Special Appeal No. 35 of 2007

Smt. Satyawati Chauhan

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 26-04-2007

Acts Referred:

Citation : (2007) 3 UC 1778

Hon'ble Judges : Rajeev Gupta, C.J.; J.C.S. Rawat, J

Bench : Division Bench

Advocate : Lok Pal Singh, for the Appellant; J.P. Joshi, Chief Standing Counsel, for the Respondent

Final Decision : Dismissed

Judgement

Rajeev Gupta, C.J.—Appellant Smt. Satyawati Chauhan has filed this Special Appeal under Chapter VIII Rule 5 of the High Court Rules against the impugned judgment dated 09-04-2007 passed in Writ Petition No. 1525 of 2005 (S/S).

2. Appellant Smt. Satyawati Chauhan filed the writ petition for the following reliefs:

a) Issue a writ, order or direction in the nature of certiorari quashing the order dated 26-09-2005 contained Annexure No. 7 passed by the Respondent No. 2.

b) Issue any other relief, which this Hon'ble Court may deem fit and proper in the circumstances of the case, may be passed in favour of the Petitioner.

c) Cost of the petition be awarded in favour of the Petitioner.

3. The Appellant was working as Health Visitor (Woman) in district Tehri Garhwal. She was transferred by Additional Director, Garhwal Mandal. Pauri from Tehri Garhwal to Dehradun vide order dated 02-04-2005.

4. The Director General, Medical Health and Family Welfare, Dehradun, vide order dated 26th September, 2005 cancelled the aforesaid transfer order on the

ground that she could not have been transferred to another district without prior approval of Director General, Medical Health and Family Welfare, Dehradun as the Appellant was working on a district cadre post.

5. Sri Lok Pal Singh, the learned Counsel for the Appellant, vehemently argued that other similarly situated persons working on district cadre post, were transferred in the past from one district to another district and their transfer orders have not been cancelled.

6. Admittedly, Appellant Smt. Satyawati Chauhan was working on a district cadre post. It is also not in dispute that the seniority of the persons working on district cadre post is maintained at district level. As such, the Appellant's transfer, without prior approval of the Director General, Medical Health and Family Welfare, ex facie, was illegal and liable to be cancelled and has been rightly cancelled by the Director General. Merely because some illegal and wrong orders about the transfer of other persons were passed in the past, cannot be a ground for seeking a writ of mandamus to the authorities to pass another wrong order.

7. For the foregoing reasons, we do not find any infirmity in the impugned judgment which may warrant interference in this Special Appeal.

8. The Special Appeal, therefore, is liable to be dismissed and is hereby dismissed summarily.