

Court No. - 20

Case :- WRIT - A No. - 7771 of 2023

Petitioner :- Aftab Ahsan Usmani

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Medical Health And Family Welfare, Lko. And 2 Others

Counsel for Petitioner :- Mohd. Mansoor, Mohammad Danish

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur, J.

1. Heard learned counsel for petitioner and learned State counsel for opposite parties.
2. Petition has been filed challenging order dated 30.06.2023 whereby petitioner who is working on the post of Dental Hygienist has been transferred at Zila Sanyukt Chikitsalaya, Shrawasti to Community Health Centre, Duddhi, District Sonbhadra.
3. It has been submitted that infact petitioner has been transferred in pursuance of complaint made against him, as would be evident from the letter dated 01.03.2023 issued by the Chief Medical Superintendent, Zila Sanyukt Chikitsalaya, Shrawasti and therefore in effect petitioner has been transferred as a mode of punishment which is against principles of settled law. It is also submitted that infact only three persons have been transferred on administrative ground, whereas 34 persons have been transferred on their own request.
4. For the said grievance, petitioner has already submitted a representation but seeks liberty to file fresh representation before authority concerned and restricts his prayer for decision with regard to same.

5. Considering the innocuous prayer being made by learned counsel for petitioner and without entering into merits of the case, liberty is granted to petitioner to make a fresh representation, along with certified copy of this order, before opposite party no.2 i.e. Director General, Medical and Health Services, U.P., Lucknow, within a period of three days from today. In case such a representation is filed, the same shall be considered and decided within a period of ten days from the date of its receipt.

6. It is directed that till decision on the representation of petitioner, he shall not be compelled to join on the transferred post.

7. With aforesaid observations and directions, the petition is finally **disposed of**.

Order Date :- 10.10.2023
Arnima