Court No. - 20

Case :- WRIT - A No. - 9223 of 2023

Petitioner :- Amresh Kumar Yadav
Respondent :- State Of U.P.Thru. Prin. Secy. Medical Health Family Welfare Lko And 3 Others
Counsel for Petitioner :- Vikas Sharma
Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur,J.

1. Heard learned counsel for petitioner, learned State Counsel appearing on behalf of opposite parties 1, 3 and 4 and Mr. Puneet Chandra, learned counsel appearing for opposite party no.2.

2. Petition has been filed challenging transfer order dated 17.11.2023 passed by Chief Medical Officer, Hardoi with further prayer being made for a direction to opposite parties to permit petitioner to join his previous place of posting from where he has been transferred.

3. Learned counsel for petitioner submits that petitioner has been engaged on a contractual basis under the terms of contract as well as circular dated 22.08.2017 which specifically provides that Health Workers working on contract basis in the National Health Mission Scheme shall not be transferred to any other place. It is also submitted that there is no power vested under the contract or circular to transfer contractual employee working under the National Health Mission Scheme.

4. Learned counsel submits that the aforesaid controversy has already been decided by Coordinate Bench of this Court in these cases of **Yogesh Kumar & Ors** versus **State of U.P. through The Principal Secretary, Medical Health and Family Welfare, LKO & Ors.** passed in Writ A No.4700 of 2023 and **Shishir Kumar Srivastava** versus **State of U.P. & Ors** passed in Writ A No.4896 of 2023 by means of orders dated 10.07.2023 and 12.07.2023 respectively which covers the issue.

5. Learned counsel appearing on behalf of opposite parties do not dispute the aforesaid facts.

6. In view of aforesaid statement given by learned counsel for opposite parties, petitioner being placed in a similar situation is therefore entitled to the benefit of the aforesaid judgments.

7. Consequently, a writ in the nature of Certiorari is issued quashing transfer order dated 17.11.2023 passed by Chief Medical Officer, Hardoi at the admission stage itself.

8. Resultantly, petition succeeds and is allowed. There shall be no order as to costs.

Order Date :- 19.12.2023
kvg/-

Digitally signed by :-
GIREESAN KV
High Court of Judicature at Allahabad,
Lucknow Bench