

Single Bench

IN THE HON'BLE HIGH COURT OF CHHATTISGARH
AT BILASPUR

W.P. (S) NO. 6682/2014

PETITIONER

: Dr. Bhupat Ram Malik S/o
Late Shri Purno, aged about 51
years, working as Senior
Medical Officer, Community
Health Centre, Basna, District
- Mahasamund (C.G.).

P.R.No.

Presented by Shri

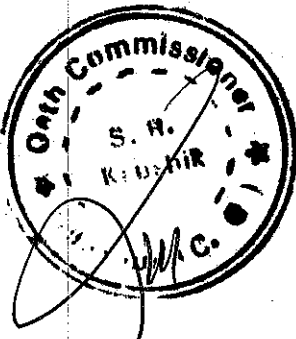
dated

6682/14
Ajay shrivastava
18/12/14

VERSUS

RESPONDENTS

- : 1. State of Chhattisgarh,
Through, The Secretary, Health
Department, Mahanadi
Bhavan, Mantralaya, New
Raipur, District- Raipur (C.G.).
2. Director, Health Department,
Raipur, District - Raipur (C.G.).
3. Chief Medical & Health Officer,
Mahasamund (C.G.)
4. Dr. Rajkumar Patel, Incharge
Block Medical Officer,
Community Health Centre,
Basna, District - Mahasamund
(C.G.).

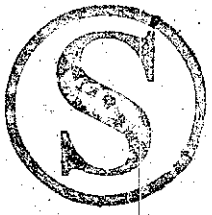


WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA

मामला क्रमांक...wp (5) no. 6682/...सन् 2014

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<u>SB : Hon'ble Shri Manindra Mohan Shrivastava, J.</u> <u>24-12-14</u> Shri Ajay Shrivastava, counsel for the petitioner/s. Shri Y.S.Thakur, Dy.A.G. for the State. Heard. The petitioner is seeking a direction to respondents to hand him over the charge of the office of Block Medical Officer in compliance of State Government's circular dated 04/08/11 (Annexure P/11). Learned counsel for the petitioner submits that the petitioner was holding the charge of Block Medical Officer. He proceeded on leave for 42 days and during that period, a junior officer posted at Basna was given the charge of Block Medical Officer. After return, the charge should have been handed over to the petitioner but till date no order has been passed. The State has come out with a policy to allow a senior officer to hold the charge of higher office. It appears that the petitioner was handed over the charge of higher office but as he proceeded on leave, it was handed over to the junior. Whether after return of the petitioner, circumstances warrant that the charge should be handed over to him, is a matter for consideration for the State because circular dated 04/08/11 itself makes a provision for deviation from this normal rule. Whether in exigency of administration, normal rule is to be deviated or the charge handed	



XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

51

मामला क्रमांक..... 95-6682/14 सन् 201

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
Deepti	over to the petitioner be deviated, in the light of aforesaid circular, the Chief Medical Health Officer, Mahasamund should consider whether the exigency requires bypassing normal rule or the charge handed over to the petitioner should be deviated. The decision shall be taken within a period of three weeks from the date of receipt of copy of this order. The petition is finally disposed off. Sd/- Manindra Mohan Shrivastava Judge	