

(2)

BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH
AT BILASPUR (C.G.)

W.P. (S) NO. 404 of 2015

PETITIONER

: Dr. Amrit Lal Rohleder, son of late
 Balvir @ Karl Rohleder, aged about
 52 years, R/o. Village Kutela, Post
 Saraipali, P.S. Saraipali, District
 Mahasamund (C.G.),

WPS-404/15
 H.K. 26/5/15
 Presented by Shri. Shikhar Dhanu
 dated 5/2/15

VERSUS

RESPONDENTS:

1. ✓ State of Chhattisgarh, Through :
 Secretary, Health Department,
 Mahanadi Bhawan, Mantralaya,
 New Raipur, District Raipur
 (C.G.),
2. ✓ Under Secretary, Health
 Department, Mahanadi Bhawan,
 Mantralaya, New Raipur, District
 Raipur (C.G.),
3. ✓ Director, Health Department,
 Directorate, Indravati Bhawan,
 New Raipur, District Raipur
 (C.G.),
4. ✓ Chief Medical Officer,
 Mahasamund, District Mahasamund
 (C.G.),
5. Block Medical Officer, Block
 Saraipali, District Mahasamund
 (C.G.),







WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA



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HIGH COURT OF CHHATTISGARH AT BILASPUR

(Hon. Mr. Justice Pritinker Diwaker)

Writ Petition (S) No. 404 of 2015

PETITIONER

Dr. Amrit Lal Rohleder

VERSUS

RESPONDENTS

State of Chhattisgarh and others

Shri Raghavendra Pradhan, counsel for the petitioner.

Shri Y.S. Thakur, Deputy A.G. for the State.

**WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA**

ORDER
(09.02.2015)

Challenge in the present writ petition is to the order dated 23.01.2015 (Annexure P-1) passed by respondent No.2 transferring the petitioner, who is working as Health Officer from Community Health Centre, Saraipali, district Mahasamund to Community Health Centre, Pithora, district Mahasamund. By the same order, the wife of the petitioner has also been transferred from Community Health Centre, Saraipali, district Mahasamund to Community Health Centre, Pithora, district Mahasamund, namely the same place where the petitioner has been transferred.

2. Counsel for the petitioner submits that neither the petitioner or his wife had given any such option for their posting at Community Health Centre, Pithora nor they were called for

counselling, but yet in the garb of rationalization policy the petitioner has been transferred. He submits that the petitioner has hardly completed one year and five months of service in his present place of posting and therefore on this ground alone the transfer order is bad in the eye of law. He further submits that at this stage, the petitioner may be permitted to withdraw this petition with liberty to approach respondent No.1 by way of appropriate representation and in turn respondent No.1 may be directed to decide the same within a particular time-frame.

3. Opposing the arguments advanced by the counsel for the petitioner, it has been argued by the counsel for the respondents/State that though the petitioner has not given any option, under the rationalization policy the State has enough power to transfer the petitioner from one place to another considering the need of his services. He argued that by the order impugned both the husband and wife have been transferred to Community Health Centre, Pithora and therefore, in all fairness the petitioner should comply the transfer order. He, however, submits that the State has no objection if the representation of the petitioner is decided by the competent authority in accordance with law.

4. Accordingly, the petition is dismissed as withdrawn with liberty as aforesaid. In the eventuality of the petitioner filing a representation before respondent No.1 detailing his grievances



therein along with a copy of this order and writ petition, respondent No.1 is expected to decide the same strictly in accordance with law considering all the aspects of the case, expeditiously preferably within a period of four weeks from the date of receipt of a copy of this order.

5. It is made clear that this Court has not made any observation on the merits of the case and respondent No.1 would be at liberty to pass the order strictly in accordance with law.

Sd/-
Pritinker Diwakar
Judge

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