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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1757 of 2015**

- K. D. Gendle, S/o Shri S.R. Gendle, aged About 45 years, presently working as Drug Coordinator (Aushdhi Sanyojak), Primary Health Centre, Hardikala Community Health Centre Belha, District Bilaspur (CG) R/o Bitkuli, Tehsil Belha, Civil & Revenue District Bilaspur (CG)

---- Petitioner**Versus**

1. State of Chhattisgarh through Secretary Health and Family Welfare Department, Secretariat, Mahanadi Bhawan, New Raipur, P.S. and Post Rakhi District Raipur (CG)
2. Chief Medical & Health Officer, Bilaspur District Bilaspur (CG)

---- Respondents

For Petitioner : Shri Saleem Kazi, Advocate.
For Respondents : Shri PK Bhaduri, Govt. Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****17/06/2015**

1. Shri R. Prassanna, Director, Health Services, Govt. of CG; Dr. Amar Singh Thakur, the then, CMHO/presently working as Deputy Director, Health Services, Raipur and Dr. S.P. Saxena, CMHO, Bilaspur are present in the Court.
2. The petitioner has assailed the relieving order dated 31.5.2014 (Annexure-P/8) by which he has been relieved to join at the transferred place i.e. CHC Ratanpur (Kota). By order dated 31.7.2012 the petitioner was transferred from PHC Hardikala (Belha) to CHC Ratanpur (Kota) on administrative ground. The said order was challenged in WP(S) No.4292/2012 which was disposed of on

24.9.2012 directing the respondents to consider the petitioner's representation. By the same order, the petitioner was granted interim protection for a period of 10 days. There is nothing on record as to whether or not the petitioner submitted any representation immediately after the order dated 24.9.2012 passed in his earlier writ petition, however, the petitioner was allowed by the CM & HO, Bilaspur vide order dated 19.10.2012 to remain posted at Hardikala. Another order was passed by the CM & HO on 2.5.2014 reverting the petitioner back to Hardikala, as it appears from document (Annexure-P/7) that the petitioner was attached at CHC, Belha. Soon thereafter the impugned order has been passed relieving him for Ratanpur (Kota).

3. The petitioner had preferred another writ petition viz. WP(S) No.2697/2014 once again challenging the transfer order dated 31.7.2012. The said writ petition was dismissed as not maintainable on 19.6.2014. Filing of this second writ petition has not been disclosed by the petitioner in the present writ petition. Thus, the petitioner is guilty of withholding and concealing the material information from this Court. It appears, since the petitioner was aware that dismissal of second petition would come in his way in challenging the relieving order, he has deliberately chosen not to disclose about filing of the said writ petition. For this, the petitioner can even be proceeded departmentally. It is for the authorities to proceed against the petitioner on this score also.
4. It is the contention of the petitioner that despite having been relieved on 31.5.2014, he was allowed to put his signatures on the attendance register and was even assigned duties by the BMO.
5. The BMO, who is present in the Court, has stoutly denied the said contention and would submit that the papers shown to him by learned counsel for the petitioner is issued by subordinate employee in a routine manner and the same cannot be treated as assigning of duties by the BMO. According to him, he has never issued any express

order addressed to the petitioner assigning any duties.

6. Be that as it may, the fact remains that the petitioner did not join at Ratanpur (Kota) after his relieving on 31.5.2014. Since no action was taken against him during this period, the petitioner preferred another writ petition and thereafter the present writ petition, which is a third writ petition concerning his transfer. The petitioner is unnecessarily wasting precious time of the Court by indulging himself in frivolous litigation. The respondents may also initiate action against the petitioner for his failure to join at the transferred place after 31.5.2014.
7. There is no substance in this writ petition, which fails and is hereby dismissed.

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