

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4520 of 2016

Sanjay Kumar Singh S/o Late Ram Pal Singh, Aged About 46 Years R/o Behind New Bus Stand Kera Road, Janjgir P.S. And Tah Janjgir District Janjgir Champa Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Health Department, Mahanadi Bhawan, New Raipur, Raipur Chhattisgarh
2. Collector, Janjgir Champa, District Janjgir Champa Chhattisgarh
3. Chief Medical And Health Officer, District Janjgir Champa Chhattisgarh
4. Block Medical Officer, Community Health Center Baloda, District Janjgir Champa Chhattisgarh
5. Bhupendra Kumar Chandra, R/o Sub Health Center, Upni, Block Dabhra, Distirct Janjgir Champa Chhattisgarh

---- Respondents

Shri H.V.Sharma, counsel for the petitioner/s.
Shri Sangharsh Pandey, Dy.G.A. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06/09/2016

Heard.

The petitioner has challenged the transfer order on the ground that he has been transferred vide transfer order dated 30/07/2016 passed by the Collector whereas the other employee has been transferred vide order dated 30/07/2016 passed by the State Government at the same place, where the petitioner was also proposed to be transferred.

2. Upon being enquired, learned State counsel submits that in view of Clause 3.3 of the transfer policy dated 11/06/2016, in case of any conflict, order passed by the State Government shall prevail.

3. From the aforesaid facts, which are floating on the face of record, it is quite clear that the impugned order, in respect of the petitioner transferring the petitioner to a place where respondent No.5 has been transferred by the State Government, cannot be implemented.

4. Though, it is stated that the petitioner has been relieved, considering that some other employee has been transferred and posted by the order of the State Government, which prevails over and above the order of the Collector, the petitioner shall be allowed to continue at the present place of posting.

5. Respondent No.2/ Collector is directed to examine the matter and pass necessary corrected / modified order to cancel the transfer order of the petitioner. This order shall not come in the way of the competent authority in posting or transferring the petitioner to any other place, in exigency of service.

6. With the aforesaid observations, the petition is finally disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge