

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.4509 of 2016

- Madan Lal Sahu S/o Late Shiv Charan Lal Sahu, Aged About 51 Years R/o Ward No 07, Sheel Sadan New Chandaniya Para, 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. Tumeshwar Patel R/o Sector Sakreli, Community Health Center Sakti, District Janjgir Champa Chhattisgarh

---- Respondents

For Petitioner	:	Shri H. V. Sharma, Advocate
For Respondent/State	:	Gary Mukhopadhyay, Dy.GA

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06/09/2016

Heard.

2. The petitioner has challenged the transfer order dated 30-07-2016 passed by the Collector on the ground that the State Government vide earlier order dated 27-07-2016 (Annexure P-3) has already posted respondent No.5 at the same place, where he has been transferred by the Collector. Respondent No.5, it is stated, has already joined.

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

4. 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 posted by the State Government, cannot be implemented.

5. In view of above, the respondent No.2-Collector is directed to examine the matter and pass necessary corrected/modified order to cancel the transfer order of the petitioner. Till appropriate order is passed, the petitioner shall not be relieved from the present place of posting. 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 observation, this petition is finally disposed off.

SD/-
(**Manindra Mohan Shrivastava**)
Judge