

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6381 of 2016

Dr. R. N. Netam S/o Late Shri C.S. Netam, Aged About 60 Years Occupation Service, R/o D.D. Nagar, Ring Road No 1, Raipur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Health And Family Welfare Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, Raipur Chhattisgarh
2. Joint Director, (Works Estb) Directorate Health Services, Chhattisgarh, Indrawati Bhawan, 3rd Floor, Naya Raipur Chhattisgarh

---- Respondents

Shri Siddharth Rathod, counsel for the petitioner/s.
Shri B.Gopakumar, Dy.A.G. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

23/11/2016

Heard.

1. The petitioner has challenged transfer order dated 24/07/2016 modified vide order dated 30/07/2016 on the ground that while modifying the transfer order, procedure of co-ordination, as provided under special note after Clause 2.13 of the transfer policy dated 11/06/2016, has not been followed.

Second ground is that the petitioner is being transferred to an office where his junior is currently holding charge of one post of Deputy Director and the petitioner is apprehending that he would be compelled to work under his junior.

2. Learned State counsel submits that the transfer order dated 24/07/2016 was corrected vide order dated 30/07/2016 without changing place of posting but only to carry out certain typographical mistake. The apprehension of the petitioner that if he joins as Deputy Director, Central Laboratory (Malaria Drug Testing Laboratory), Raipur, he would be required to work under his junior, is

without any basis. He submits that his junior is holding post as In-charge, Deputy Director whereas, the petitioner has been transferred on a substantive post of Deputy Director, in Central Laboratory, Raipur.

3. Transfer order dated 24/07/2016 was corrected vide order dated 30/7/2016 to correct certain typographical mistake. This is not modification of transfer order so as to say that now the place of transfer of the petitioner is changed. As a matter of fact, correct description of the post was not mentioned in the first transfer order which is only sought to be clarified. Therefore, first ground has no merit.

4. The petitioner has been transferred on a substantive post of Deputy Director which is clear from the impugned order. The junior, as pointed out by the petitioner, is only holding current charge of the office of Deputy Director in the office where the petitioner has been posted. If there is only one post of Deputy Director, obviously, it is the petitioner, who is to be posted according to transfer order dated 30/07/2016. However, if there is more than one post of Deputy Director, senior officer cannot be subjected to humiliation of being bossed over by his junior. Learned State counsel has made clear statement that the petitioner should not have any apprehension that he will be subjected to humiliation by his junior.

The aforesaid statement is sufficient to dispel apprehension, if any, in the mind of the petitioner.

5. In view of above, nothing remains for consideration in this petition. The petition is accordingly finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge