

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3825 of 2016

Dr. Abhishek S/o Shri Chhabilal, Aged About 33 Years R/o
C/o C.L. Ramteke, Opposite Rajhara Tamber Mart, Main
Road, Chikhalakasa, Dalli Rajhara District Balod Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Health And
Family Welfare Department, Mahanadi Bhawan, Naya Raipur
Chhattisgarh
2. The Commissioner Health Services, Indrawati Bhawan, New
Raipur, Chhattisgarh
3. The Director, Health Services, Indrawati Bhawan, New
Raipur Chhattisgarh
4. The Director, Medical Education Old Nurses Hostel, D.K.S.
Bhawan, Compound, Raipur Chhattisgarh
5. The Chief Medical & Health Officer. District Balod
Chhattisgarh

---- Respondents

For Petitioner	:	Shri P.P. Sahu, Advocate
For Respondent-State	:	Shri Gary Mukhopadhyay, Dy. G.A., on advance copy

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

17/08/2016

Heard on admission.

1. The transfer order is under challenge mainly on the ground
that though the petitioner has worked in the scheduled area for

almost five years, he was earlier sought to be transferred to Dhamtari by an order of the Director, Health Services and now the State Government has passed an order on 25.07.2016 transferring the petitioner to a core scheduled area in District Sukma.

2. Learned counsel for the petitioner submits that while transferring the petitioner, policy to consider the petitioner for posting in non-scheduled area, has not been taken into consideration.

3. It is found that the petitioner has worked for almost five years in a scheduled area Block Doundi, District Balod as specified in scheduled-II appended to circular dated 03.06.2015. Clause 1.3 of circular requires consideration of posting outside scheduled area of those officers, who may have remained posted in the scheduled area for a period of almost five years upon first appointment. The petitioner was appointed and posted in service at Block Doundi, District Balod in the year 2009. This was his first appointment. He has completed almost five years of service. Therefore, in these circumstances, the case of the petitioner requires consideration for posting outside scheduled area.

4. The petitioner has, however, submitted representation to the Director, Health Services and not Secretary of the Department, which has issued the impugned transfer order. Therefore, in these circumstances, it is directed that if the petitioner prefers representation within a period of ten days from today to respondent No.1, the same shall be considered and decided within a period of four weeks. For a period of four weeks, no coercive steps shall be taken against the petitioner for relieving because no one has joined at the place of the petitioner.

5. The petition is accordingly disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge