

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3941 of 2016

Dr. Abdul Shafique Khan S/o Late Shri Abdul Rashid Khan, Aged About 59 Years Posted As Medical Officer At District Hospital Bilaspur District Bilaspur R/o Indu Chowk, Jarhabhata, Bilaspur, District Bilaspur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Health And Family Welfare, Mantralaya, Mahanadi Bhawan Naya Raipur, District Raipur Chhattisgarh
2. Under Secretary, Health & Family Welfare Department Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh).
3. Civil Surgeon Cum Chief Hospital Superintendent, District Bilaspur (Chhattisgarh).
4. The Chief Medical & Health Officer, Bilaspur, District Bilaspur (Chhattisgarh).

---- Respondents

For Petitioner	:	Shri Mateen Siddiqui, Advocate
For State	:	Shri Gary Mukhopadhyay, Dy. Govt. Advocate

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

Order On Board

22/08/2016

Heard on admission.

1. The transfer order is under challenge on the ground that earlier the petitioner had remained posted in the scheduled area from 1984 to 2000. It is submitted that the petitioner has now been transferred to a core scheduled area, whereas as per Clause 1.5 of the policy dated 3.6.2015, as far as possible, an employee aged more than 55 years, should not be

posted in the core scheduled area.

2. The petitioner has been posted at the present place of posting since long. Therefore, he has become due for transfer. However, considering that in Clause 1.5 of the policy dated 3.6.2015, it has been provided that as far as possible, employee aged more than 55 years may not be posted in the core scheduled area, petitioner's case requires consideration.
3. Learned counsel for the petitioner may submit a fresh representation on this ground within a period of 10 days from the date of receipt of copy of this order, which shall be considered and decided by the competent/transferring authority within a period of 4 weeks from the date of the representation.
4. With the aforesaid observation/direction, the petition is finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge