

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3475 of 2016

Shatrughan Das Sahu S/o Shri K.R. Sahu, Aged About 55 Years Occupation Service, Working As Pharmacist Homeopathy, Posted At Government Homeopathic Hospital, Durg, District Durg Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Health And Family Welfare, New Mantralaya, Mahanadi Bhawan, New Raipur Chhattisgarh
2. The Director, Health Services, Chhattisgarh, Indrawati Bhawan Naya Raipur, District Raipur, Chhattisgarh
3. The District Ayurvedic Officer, District Durg Chhattisgarh
4. Dinesh Bawnekar Pharmacist (Homeopathy) Posted At Govt. Homeopathic Hospital Arjunda, District Balod Chhattisgarh

---- Respondents

Shri Malay Bhaduri, counsel for the petitioner/s.
Shri Gary Mukhopadhyaya, Dy.G.A. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

08/08/2016

Heard.

The transfer order is under challenge on the following grounds -

- (a) That if the petitioner is transferred to other district, his seniority would be affected.
- (b) That the transfer order has been issued only to accommodate respondent No.4 because respondent No.4 has been transferred on his own request.

2. From the averments made on affidavit in the petition, it is borne out that earlier, the petitioner was posted at Balod. At that time, the petitioner, at his own expenses, sought transfer from Balod to Durg. This necessitated transfer of

respondent No.4 vice the petitioner in the year 2012. Now, the petitioner has been sent back to the place from where he came on transfer on his own expenses i.e. Balod. Therefore, the arguments advanced are misconceived. The petitioner belongs to Balod and not Durg.

3. It appears that the petitioner was transferred to Durg in the year 2012 on his own request. Now, on the request of respondent No.4, he has been sent back to his earlier district i.e. Durg and the petitioner at Balod. Therefore, it lies ill on the part of the petitioner to allege that transfer as malafide. Therefore, no case is made out. The petition is dismissed. The petitioner would be at liberty to prefer representation before the authorities on any ground other than the ground raised in this petition.

Sd/-

(Manindra Mohan Shrivastava)

Judge