

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3544 OF 2016**

Sharat Kumar Lall S/o Late Shri S. B. Lall, Aged About 61 Years Presently Posted As Medical Officer, R/o Magarpara Chowk, Bilaspur, Police Station Civil Lines, Post & Tahsil Bilaspur, Civil & Revenue District Bilaspur (Chhattisgarh).

---- Petitioner

Versus

1. State Of Chhattisgarh Through : Its Secretary, Health & Family Welfare Department, Mantralaya, Capital Complex, Mahanadi Bhawan, New Raipur, Police Station Raipur, Head Post Office Raipur, Civil & Revenue District Raipur (Chhattisgarh).
2. Under Secretary, Health & Family Welfare Department, Mantralaya, Capital Complex, Mahanadi Bhawan, New Raipur, Police Station Raipur, Head Post Office Raipur, Civil & Revenue District Raipur (Chhattisgarh).
3. Director, Health Services, Directorate Of Health Services, Indrawati Bhawan, New Raipur, Police Station Raipur, Head Post Office Raipur, Civil & Revenue District Raipur (Chhattisgarh).
4. The Chief Medical & Health Officer, Bilaspur, Regional Training Campus, Nutan Chowk Sarkanda, Police Station Sarkanda, Civil & Revenue District Bilaspur (Chhattisgarh).

---- Respondents

For Petitioner	:	Mr. Bhaskar Payashi, Advocate
For Respondent-State	:	Mr. Shangharsh Pandey, Dy. Govt. Advocate, on advance copy

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

09/08/2016

Heard on admission.

1. This petition has been filed by the petitioner assailing correctness and validity of transfer order dated 30.7.2016 mainly on two grounds, as below:

(a) Petitioner is Medical Officer having expertise in Filaria and the only unit in the State is set at Ratanpur and there is no administrative exigency to transfer him to the place where there is no necessity of such expert.

(b) The petitioner has placed on record a medical prescription dated 3.8.2016 to show that he is suffering from Disc Prolapse of Spine Region.

2. As far as the first ground is concerned, the transfer are made keeping in view the public interest and administrative exigency of the State authority and the Court cannot sit to decide what would be the best administrative exigency to post the petitioner.

3. As far as the second ground is concerned, it is based on certain medical certificates, which have been issued by the doctor after issuance of transfer order. However, it is for the transferring authority to consider the case of the petitioner for cancellation or modification of the transfer order. The transferring authority shall its take its own decision in the matter on the basis of its own assessment of medical ailment stated by the petitioner.

4. It is found that the petitioner has not preferred any representation but rushed to file this petition.

5. Considering the circumstances, it is directed that if the petitioner prefers representation within a period of 10 days from today before the transferring authority, the same shall be considered and decided by the transferring authority within a period of four weeks from the date of filing of the representation.

6. If the petitioner applies for medical leave, the same shall be considered.

7. For a period of three weeks, no coercive steps shall be taken against the petitioner.

8. With the aforesaid observation, the petition stands finally disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Tiwari