

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4371 of 2016

Dr. Ghanshyam Singh S/o Late Ganesh Singh Aged About 63 Years Presently
Posted As Medical Superintendent At Government Medical College, Ambikapur,
District Surguja (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Health & Family Welfare, Mantralaya, Naya Raipur (Chhattisgarh)
2. Secretary, Department Of Medical Education, Mahanadi Bhavan, Mantralaya, New Raipur (Chhattisgarh)
3. Director, Medical Education, Directorate Of Medical Education Mantralaya, New Raipur (Chhattisgarh)
4. Director, Directorate Health Services, Indravati Bhavan Naya Raipur (Chhattisgarh)
5. Collector, Ambikapur, District Surguja (Chhattisgarh)
6. Chief Medical & Health Officer, District Surguja (Chhattisgarh)
7. Dean, Government Medical College, Ambikapur District Surguja (Chhattisgarh)

---- Respondents

Shri Kishore Narayan, counsel for the petitioner/s.
Shri Sangharsh Pandey, Dy.G.A. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

02/09/2016

The transfer order is under challenge on the ground that in view of order dated 02/05/2014, the administrative control over the petitioner's service are with the Directorate, Medical Education. Therefore, the State Government in the Department of Health Services does not have power to transfer the petitioner.

2. Order dated 02/05/2014 only shows that the administrative control of District Hospital and other Health Centres would be with the Directorate, Medical Education. This administrative arrangement does not divest the State

Government of its power to transfer those doctors who are substantively borne in the cadre of health services in the department of health services. Therefore, I am not inclined to interfere with the order of transfer.

3. Learned counsel for the petitioner then urged that the Dean has already made recommendation to the State Government to cancel the transfer order of the petitioner. That is also an in-house administrative mechanism which need not be interfered with by this Court and it will always be open for the State Government to consider recommendation of the Dean, one way or the other in the administrative exigency.

4. With the said limited observation, this petition is dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge