

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 6077 of 2016**

- Vinod Kumar Kashyap, S/o Late Harishchandra Ram, aged about 26 years, Occupation Service, Assistant Grade 2, P.H. Rajpur, P.S. Rajpur, District – Balrampur (C.G.)

---- Petitioner**Versus**

1. State of Chhattisgarh, Through : The Secretary, Health & Family Welfare Department, Mantralaya, New Raipur (C.G.).
2. The Joint Director, Health & Family Welfare Department, Surguja Division Ambikapur, Distt. Surguja (C.G.).
3. The Collector of Balrampur, District – Balrampur (C.G.)
4. Chief Medical & Health Officer, Balrampur – Ramanujganj, District – Balrampur-Ramanujganj (C.G.)
5. Block Medical & Health Officer, Rajpur, District – Balrampur – Ramanujganj (C.G.)

---- Respondents

For Petitioner	:	Mr. Bhupendra Singh, Advocate
For State	:	Mr. B. Gopa Kumar, Dy. Advocate General

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****07/11/2016**

Heard.

1. Challenge is to Annexures – P/1, P/2 & P/3, by which canceling earlier orders petitioner has been shifted.
2. The petitioner was promoted vide order dated 16.07.2015 as Assistant Grade – II and posted in Community Health Centre, Shankergarh. Later on, vide order dated 15.03.2016, as a temporary measure, the petitioner was given additional charge of Community Health Centre, Rajpur. Thereafter, on 05.09.2016, the Chief Medical and Health Officer, Balrampur with the approval of Joint Director, changed the posting of the petitioner from Shankergarh to Rajpur on the basis of mutual consent. Vide order dated 15.09.2016, the Collector directed all the In-charge Officers of various departments to bring an end to the attachment and post the employees / officers at their original place of posting. Thereafter, on 19.09.2016, the petitioner was relieved to go back to his original place of posting at Shankergarh.

3. Learned counsel for the petitioner submits that aforesaid orders are challenged on the ground that the petitioner was already working at Rajpur, which was made as valid posting vide order dated 05.09.2016. The power was only with the Joint Director to cancel the order and unless such cancellation takes, the petitioner could not have been relieved by the impugned order dated 19.09.2016. He further submits that the Chief Medical & Health Officer had no jurisdiction to pass order dated 22.09.2016 directing cancellation of earlier orders and shifting the employees to their original place of posting.
4. As per transfer policy dated 11.06.2016, transfer could be made only during the period when ban was open that too may be done by the Collector only with the approval of Minister in-charge. On the face of it, order dated 05.09.2016 has been passed with the approval of the Joint Director without following the procedure of the policy of transfer and without jurisdiction. Therefore, the Collector committed no illegality in issuing direction. It is also found that by order dated 15.09.2016 the petitioner was mutually transferred to the place where he was attached. For all these reasons, I do not find any illegality in the order impugned.
5. The petition is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge