

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 4222 of 2016**

- P.L. Tirpude (Prahlad Tirpude) S/o Late Shri Tularam Tirpude, Aged About 61 Years Posted As Food Inspector, Mahasamund, District Mahasamund (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Food Civil Supplies And Consumer Protection Department, Mahanadi Bhawan, New Raipur, P. S. Rakhi, District Raipur (Chhattisgarh)
2. The Collector, Mahasamund District Mahasamund (Chhattisgarh)
3. Ms Vasudha Gupta, Posted As Food Inspector, Durg, District Durg (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Rahul Mishra, Advocate
For State / Respondent	:	Mr. Dhiraj Wankhede, Govt. Advocate
Nos. 1 & 2		on advance copy

Hon'ble Shri Justice Manindra Mohan Shrivastava
Order On Board

05/09/2016

Heard.

1. The transfer order is challenged firstly on the ground that the petitioner, who is suffering from certain Neurological Disorders and receiving treatment, is transferred from Mahasamund to Gariyaband, which may adversely effect the treatment which he is getting by frequent visits to Raipur. The other ground of challenge is that the petitioner has been transferred to accommodate respondent No.3.
2. In so far as ground of *malafide* accommodation is concerned, considering that the petitioner has remained posted at Mahasamund for last four years, transfer of the petitioner and adjustment of respondent No.3 cannot be said to be *malafide* accommodation.
3. So far as other ground of illness is concerned, it is found that his certificate of fitness has been issued way back in the year 2004 by

a neuro consultant. But, now the petitioner has place on record, a certificate issued by a Laparoscopic Surgeon, which contains certain prescriptions of medicine without there being any opinion, which can be appreciated by the transferring authority and not by the Court.

4. The petitioner has already preferred a representation. The same shall be considered and decided by the State within a period of four weeks from the date of receipt of a copy of this order.
5. The petition is accordingly disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge