

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5846 of 2016

Neeraj Kumar Sharma S/o Shri Ramavtar Sharma, Aged About 30 Years Presently Working As Pharmacist Grade II, Primary Health Centre, Kumarda, Block Chhuriya, P.S. Dongargaon, District Rajnandgaon Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Chairman, Transfer Co Ordination Committee, Additional Chief Secretary, S.T. & S.C. Development, Dept, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh
2. Collector, Rajnandgaon, District Rajnandgaon Chhattisgarh
3. The Chief Medical And Health Officer, Rajnandgaon, District Rajnandgaon Chhattisgarh

---- Respondents

Shri Pawan Shrivastava, counsel for the petitioner/s.
Shri D.R.Minj, Dy.G.A. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

24/10/2016

Learned counsel for the petitioner submits that the petitioner had earlier filed petition aggrieved by the transfer order. The petition was disposed off by this Court vide order dated 31/08/2016 directing that the representation preferred by the petitioner shall be considered and decided within a period of four weeks.

2. Along with the copy of the order, representation was submitted by the petitioner before the Chief Medical and Health Officer (CMHO) on 03/09/2016, followed by reminder on 03/10/2016. However, vide memo dated 23/09/2016, the CMHO has informed the petitioner that as the Collector is not competent to modify the transfer order, the representation at the level for the Collector has been rejected and the petitioner's representation has been forwarded to the Government as according to the transfer policy, amendment in any transfer order can be done only in coordination. It appears that the Collector has rejected

petitioner's application on the ground that the transfer order cannot be amended at the district level.

3. A perusal of the policy dated 11/06/2016 under the head 'Special Note' (विशेष टीप) states that if any of the order is required to be cancelled or amended, then proposal has to be submitted in coordination. Therefore, the procedure adopted by the CMHO by sending representation of the petitioner to the Director towards coordination proceedings, does not suffer from any illegality.

4. However, considering that the matter is one relating to transfer, decision has to be taken by the authorities in coordination preferably within a period of four weeks. If after decision of the representation, any dispute of salary survives, the petitioner would be at liberty to take recourse to appropriate remedy.

5. The petition is accordingly finally disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge