

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2504 of 2017

Dr. Satya Prakash Dhruw S/o Shri Tej Ram Dhruw, Aged About 50 Years Occupation - Ayurved Medical Officer, Government Ayurved Pharmacy, Chhindnar, Block - Geedam, District South Bastar, District - Dantewada Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Health And Family Welfare Department, Mahanadi Bhawan, New Mantralay, District - Raipur Chhattisgarh.
2. The Collector, Dantewada, District - Dantewada (Chhattisgarh.)
3. The District Ayurved Officer, Dantewada, Near Colloctorate Building, District - Dantewada (Chhattisgarh.) **---- Respondents**

For Petitioner	:	Mr. Rakesh Anthony, Advocate
For Respondent-State	:	Ms. Sunita Jain, Panel Lawyer

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

12/07/2017

Heard

1. Learned counsel for the petitioner submits that though the petitioner has been transferred vide order dated 25.07.2016 which clearly incorporates that he shall be treated as relieved after ten days, he is not being relieved. It is further submitted that on 29.07.2016, the Government had again passed a specific order to all the subordinate officers of the State that the officers, who are under transfer, have to be relieved but even then, the petitioner was not relieved. The petitioner made representation to the District Ayurved Officer, District South Bastar, Dantewada, Collector, Dantewada but he has not been relieved.

2. Learned State counsel submits that when the State Government has passed the order, all the officers are duty bound to comply with the direction of the State, unless the State Government itself cancels, varies or modifies the order.

3. It is surprising that despite a clear direction of the State Government, the subordinate officers are not complying with the direction. According to the transfer order, the petitioner was required to be treated as having been relieved and he should be proceeded but it appears that respondents No.2 & 3 are not issuing any formal order of his relieving, without which, he may not proceed on transfer.

4. In view of the order passed by the State Government on 25.07.2016, which clearly shows that the officers should be treated as relieved but the petitioner has not been relieved, the petitioner should now be treated as relieved within ten days and necessary consequential order shall be passed by respondents No.2 & 3, if necessary, so that he can proceed on transfer.

5. The petition is accordingly disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge