

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4106 of 2017

Dr. Medini Prasad Patel S/o Chhabil Patel, Aged About 63 Years Aarved Chikitsa Adhikari, Government Aarved Aavsadhalaya Jannagar, District Surajpur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Health & Family Welfare Department, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
2. Upper Secretary, Health And Family Welfare Department, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
3. Director, Ayurveda Yoga & Naturopathy, Greek Siddha And Homeopathy (A Y U S H) Chhattisgarh Indravati Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
4. Commissioner, Health Services, Indravati Bhawan, Naya Raipur, District Raipur, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri A.K. Prasad, Advocate
For State	:	Shri Satish Gupta, Govt. Advocate

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

Order On Board

29/08/2017

Heard.

1. The transfer order is under challenge on the ground that though the petitioner has remained posted in scheduled area for last more than 35 years, he is now being transferred to a core scheduled area and posted at Dantewada.
2. Learned counsel for the petitioner submits that in view of the provision contained in clause 2.1 of the Policy dated 3.6.2015, the petitioner, having served for very long period in scheduled area, needs to be considered for

transfer in a non-scheduled area. It is submitted that for yet another reason, as the petitioner is more than 55 years of age, as far as possible, he ought not to be posted in a core scheduled area as provided in clause 1.5 of the policy.

3. Considering that the petitioner is more than 55 years of age and that he has continuously remained posted in scheduled area for last 35 years, his case requires consideration for being transferred to outside the scheduled area.
4. The representation has already been submitted by the petitioner. If the petitioner submits copy of this order along with a new application within a period of 10 days, the same shall be considered and decided by the respondent authority within a period of 4 weeks. For a period of 6 weeks, no coercive steps shall be taken to compel the petitioner to proceed on transfer.
5. The petition is accordingly finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge