

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4846 of 2017**

- Ramesh Kumar Nag S/o Shri Lachindar Nag, Aged About 32 Years O. T. Attendant At Proposed Transferred Place Office Of Chief Medical And Health Officer, Jagdalpur, District Bastar, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through Secretary, Health and Family Welfare Department, Mantralay, PS Rakhi, Tahsil Aarang, Naya Raipur, District Raipur (CG)
2. Director, Directorate Health Services, Indrawati Bhawan, New Raipur District Raipur Chhattisgarh.
3. Collector, Bastar District Jagdalpur Chhattisgarh.
4. Chief Medical And Health Officer, Bastar District Jagdalpur Chhattisgarh.

---- Respondent

For Petitioner	Mr. Rakesh Jha, Advocate
For Respondent /State	Ms. Tripti Rao, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

9/11/2017

(1) Heard.

(2) Challenge in this petition is to the order dated 24.8.2017, by which, his transfer order dated 30.07.2016 from Community Health Centre, Keshkal, District Kondagaon to Community Health Centre, Nangoor, District Bastar has been cancelled.

(3) It is argued that earlier, two writ petitions were preferred by the petitioner, which were disposed of with necessary directions by this

Court. On account of non-compliance of the order passed by this Court, a contempt case was preferred by the petitioner, in which, merely to state on affidavit that the order passed by this Court has been complied with, the impugned order has been passed by the respondent authorities, which is illegal and arbitrary. It is further argued that the transfer order dated 30.07.2016 may be directed to be executed by the respondent authorities and if that is not possible, the petitioner may be posted against the vacant post of OT Attendant at Maharani Hospital, Jagdalpur. The petitioner has preferred representation also in this regard.

(4) Considering the facts situation of the case, it would be appropriate to allow the petitioner to prefer a fresh representation before the concerned competent authority raising his grievance against the impugned order.

(5) Let the petitioner prefer representation within a period of 04 weeks from today and thereafter, the concerned competent authority shall consider and decide the same within the next 8 weeks, in accordance with law and on its own merits.

(6) For a period of 12 weeks or till the representation is decided, the status quo with regard to the petitioner's posting, granted by this Court on 06.10.2017, shall be maintained.

(7) The writ petition is accordingly disposed of.

(8) It is made clear that this Court has not expressed any opinion on the merits of the case and the respondent authorities shall decide the matter, on its own merits, strictly in accordance with law, without treating any observation made in this order as opinion on the merits of the case.

Sd/-

Judge

(Prashant Kumar Mishra)