

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 6176 of 2017**

- Munnalal S/o Late Shri Chunnalal Kewat, Aged About 52 Years Occupation Service, Posted as Driver at District Hospital Surajpur, Tehsil Surajpur, Revenue & Civil District Surajpur Chhattisgarh, R/o Mishra Gali, Surajpur, Post P. S. & Tehsil Surajpur, Revenue & Civil District Surajpur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Health And Family Welfare Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, Revenue And Civil District Raipur Chhattisgarh
2. Chief Medical And Health Officer Surajpur, Revenue And Civil District Surajpur Chhattisgarh
3. Chief Medical And Health Officer Jashpur, Revenue & Civil District Jashpur Chhattisgarh
4. District Hospital Surajpur, Revenue & Civil District Surajpur Chhattisgarh
5. Community Health Centre Pathalgaon, Revenue & Civil District Jashpur Chhattisgarh

---- Respondent

For Petitioner
For Respondents

Shri Surfaraj Khan, Advocate.
Shri Sameer Behar, P.L. for the State.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****27/11/2017**

1. Challenge in this petition is to the order dated 12.08.2017 by which he has been transferred from District Hospital Surajpur to Community Health Centre Pathalgaon, Block

Jashpur on the ground of administrative exigency.

2. The ground raised by the petitioner is that the impugned order has been passed with malafide intention and that to without there being any administrative exigency. In place of the petitioner no one has been posted.
3. Considering the facts situation of the case, it would be appropriate to allow the petitioner to prefer a representation before the concerned competent authority raising his grievance against the impugned transfer order.
4. 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.
5. For a period of 12 weeks or till the representation is decided, whichever is earlier, the *status quo*, as it exists today, in respect of the petitioner's posting, shall be maintained.
6. The writ petition is accordingly disposed of.
7. 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