

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 409 of 2017

Ramesh Kumar Nag S/o Lachhindar Nag Aged About 33 Years Working O.T. Attender, Presently Posted At Community Health Centre, Nangur, District- Bastar, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through- The Secretary, Health And Family Welfare Department, Mantralaya, Mahanadi Bhawan, New Raipur, District- Raipur, Chhattisgarh
2. Director, Health Services, Directorate, Indrawati Bhawan, Third Floor, New Raipur, District Raipur, Chhattisgarh
3. Chief Medical And Health Officer, Jagdalpur, District- Bastar, Chhattisgarh
4. Chief Medical And Health Officer, Kondagaon, District Kondagaon, Chhattisgarh

---- Respondents

Shri CJK Rao, counsel for the petitioner/s.
Shri R.K.Gupta, Dy.A.G. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

27/02/2017

On the last date of hearing, State counsel made a statement before the Court that the petitioner's transfer is proposed to be cancelled on the ground that the place where the petitioner was transferred, there is no vacancy available. In view of that, State counsel was directed to file proper affidavit within two weeks.

Protecting petitioner's interest against likelihood of non-payment of salary because of present situation, statement that the salary of the petitioner is proposed to be released against vacant post lying at Community Health Centre, Keshkal is also placed on record.

2. Learned State counsel submits that the matter is under consideration before

the competent authority. He may be granted some more time to file affidavit.

3. In these circumstances, I am not inclined to grant further time.

As there is no vacant post to adjust the petitioner at the place where he is proposed to be transferred, obviously, the petitioner will have to be adjusted at some other place or transfer will have to be cancelled to continue him at the present place. This may be done at the earliest.

In view of the statement earlier made, it is directed that the petitioner shall be continued to be paid salary as per arrangement of payment of salary against vacant post lying at Community Health Centre, Keshkal.

Sd/-
(Manindra Mohan Shrivastava)
Judge