

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5717 of 2017**

- Kalika Prasad Dubey S/o Shri Radha Vallabh Dubey, Age 57 Years R/o Anand Nagar, Rajgharana House No. A-38, Uslapur Tahsil Takhatpur District Bilaspur Chhattisgarh Presently Posted As Supervisor (Male) Sakri, Tahsil Takhatpur District Bilaspur Chhattisgarh

---- Petitioner**Versus**

1. The State Of Chhattisgarh Through The Secretary, Department Of Health And Family Affairs, Mahanadi Bhawan, Mantralaya, Naya Raipur Tahsil & District Raipur Chhattisgarh.
2. The Director, Medical Health, Near D K S Bhawan, Old Nurses Hostel, Raipur Chhattisgarh
3. Chief Medical And Health Officer, Office Of The C M O, Sipat Road, Bilaspur Chhattisgarh.
4. Block Medical Officer, Community Health Center, Takhatpur District Bilaspur Chhattisgarh.

---- Respondent

For Petitioner
For Respondent

Mr. Saleem Kazi, Advocate
Mr. RK Gupta, Dy. AG

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

2/11/2017

(1) Heard.

(2) Challenge in this petition is to the order dated 13.8.2017, by which, he has been transferred from Primary Health Centre, Amsena, District Bilaspur to Community Health Centre, Marwahi, District Bilaspur, on administrative ground, as also to the unilateral relieving order dated 12.9.2017.

(3) The grounds raised by the petitioner are that the impugned order has been passed based on an online forged transfer request made in his name. According to the petitioner, the hard copy of the transfer order was never supplied to him. The place of posting of the petitioner has also been wrongly mentioned as Amsena, as in fact, he is presently working on the post of Supervisor(Male) at Sakri. Further, in the unilateral relieving order, only the name of the petitioner is mentioned and as such, his post and place of posting are not mentioned in the said order.

(4) 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.

(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, whichever is earlier, the *status quo*, as it exists today, in respect of the petitioner's posting, 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)

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