

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 7274 of 2017**

- Dr. Martin Nikunj S/o Late Johanlal Nikunj Aged About 56 Years Posted As Medical Officer , Community Health Centre Sitapur R /o Sitapur District Surajpur Chhattisgarh.

---- Petitioner**Versus**

1. The State Of Chhattisgarh Through The Secretary Health And Family Welfare Department Mahanadi Bhawan Naya Raipur And District Raipur Chhattisgarh.
2. Upper Secretary , Health And Family Welfare Department , Mahanadi Bhawan Naya Raipur And District Raipur Chhattisgarh.
3. Director, Health Department Indravati Bhawan Naya Raipur And District Raipur Chhattisgarh.
4. Chief Medical And Health Officer , Surguja At Ambikapur District Surguja Chhattisgarh.

---- Respondent

For Petitioner	Shri A.K. Prasad, Advocate.
For Respondents/State	Shri Sameer Behar, P.L.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****14/12/2017**

1. Challenge in this petition is to the order dated 24.11.2017 by which he has been transferred from Community Health Centre Sitapur, District Surguja to Medical College and Hospital, Ambikapur District Surguja on the ground of administrative exigency.
2. The ground raised by the petitioner is that the impugned

order has been passed without obtaining their being any administrative exigency and as such, the same is in violation of the transfer policy issued by the State Government.

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