

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No.330 of 2018**

- Dr. K. L. Uraon S/o Late Shri Rajauram, Aged About 58 Years Posted At District Hospital Bilaspur, District Bilaspur Chhattisgarh, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Health And Family Welfare Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur Chhattisgarh, Chhattisgarh
2. Chief Medical And Health Officer, Bilaspur, District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

--- Respondents

For Petitioner : Shri Ajay Shrivastava , Advocate
 For Respondent/State: Shri Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****01/05/2018**

Heard.

2. Learned State counsel, upon instructions from respondent No.1, submits that at present, there is no vacant post of Radiologist in the District Hospital, Bilaspur. He further submits that presently, the petitioner has been asked to work at Chhattisgarh Institute of Medical Science, Bilaspur (In short "CIMS"), under oral direction, as Radiologist and his salary is being drawn against the vacant post of Child Specialist in District Hospital, Bilaspur.

3. From the instructions, as stated by learned State counsel, it is quite clear that there is no post of Radiologist in the District Hospital, Bilaspur and without there being any such post, the petitioner was transferred to District Hospital, Bilaspur. Moreover, there was no order of posting of the petitioner from District

Hospital, Bilaspur to CIMS, Bilaspur and even then, he was asked to work in the CIMS at Bilaspur.

4. Order dated 12-04-2017, on the face of it, appears to be bad in law, because the petitioner could not be transferred without there being any vacancy of Radiologist in the District Hospital, Bilaspur. Therefore, the impugned order is liable to be quashed and is hereby quashed.

5. Accordingly, the petition is allowed. This order shall not come in the way of the State Government to post any other Radiologist against the vacant post of Radiologist in CIMS at Bilaspur. In case, the State has reason to have more Radiologist in District Hospital, they may create another post of Radiologist or may transfer post of Radiologist from any other hospital to District Hospital, Bilaspur.

SD/-
(**Manindra Mohan Shrivastava**)
J U D G E