

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 560 of 2018**

1. Chandrika Prasad Tiwari S/o Late Aatmaram Tiwari, Aged About 56 Years Occupation Compounder, Office of Chief Medical and Health Officer, Seepat Road, Sarkanda, Bilaspur, Police Station Sarkanda, Tehsil And District Bilaspur Chhattisgarh.

---- Appellant**Versus**

1. State Of Chhattisgarh Through The Secretary, Health And Family Welfare Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh.
2. Under Secretary, Health And Family Welfare Department Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh.
3. Director, Health And Services, Directorate, Indrawati Bhawan, New Raipur, District Raipur Chhattisgarh.
4. Chief Medical And Health Officer, Seepat Road, Sarkanda, P.S. Sarkanda, Tehsil And District Bilaspur Chhattisgarh.
5. Harishankar Sahu S/o Shri R.C. Sahu, Occupation Pharmacist, R/o Quarter No. 37, Om Sadan, Guru Vihar Colony , P.S. Sarkanda, Tehsil And District Bilaspur Chhattisgarh.

---- Respondent

For Appellant	Shri Sunil Otواني, Advocate
For Respondent/State	Shri U.N.S. Deo, Govt. Advocate
For Respondent No.5	Shri R.K. Agrawal, Advocate

Hon'ble Shri Justice Ajay Kumar Tripathi, CJ
Hon'ble Shri Justice Prashant Kumar Mishra

Judgment on Board**Per Ajay Kumar Tripathi, CJ.****13/08/2018**

1. Heard learned counsel for the parties.

2. The order dated 2-5-2018 passed by the learned Single Judge within the matrix of the facts that the appellant and the private respondent came to be posted as Store Keeper in the office of the Chief Medical & Health Officer, Bilaspur, is now academic in view of the fact that prior to passing of the impugned order dated 2-5-2018, the private respondent already stood transferred vide order No.Health/2018/170 dated 23-4-2018, copy of which is Annexure R1/4-9 attached with the return of the State.
3. We also notice that the said order has already been marked and communicated to one and all including the private respondent. This fact was neither brought to the notice of the writ Court nor any challenge was thrown to the said decision.
4. In view of the same, it is left open to the private respondent to either join the place of posting in terms of the order dated 23-4-2018 or fight his legal battle against such a decision.
5. The appeal stands disposed off with a clarification that the issue of claim of right of the private respondent to be posted as Store Keeper in the office of the Chief Medical & Health Officer, Bilaspur, is *non est* now and the appellant will continue in the present place of posting i.e. office of the Chief Medical & Health Officer, Bilaspur, as Store Keeper till such further decision is taken by the competent authority.

Sd/-

(Ajay Kumar Tripathi)
Chief Justice

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri