

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO. 5891 OF 2018**

1. Sunil Kumar S/o Late Shri Ramdayal Aged About 45 Years R/o H. No. 40, Ward No. 34, Near Radha Krishna Temple, Post- Kurasia, Chirmiri, District Koriya, Chhattisgarh.

...Petitioner(s)**Versus**

1. South Eastern Coalfields Limited Through Its Chief General Manager Chirmiri Area, District Koriya, Chhattisgarh.
2. Area Personnel Manager S.E.C.L. Chirmiri Area, District Koriya, Chhattisgarh.
3. Sub Area Manager Ncph Sub Area, S.E.C.L. Chirmiri, Area, District Koriya, Chhattisgarh.
4. Manager (Personnel) N.C.P.H. Sub Area, Chirmiri, District Koriya, Chhattisgarh.
5. Deputy Chief Medical Officer N.C.P.H. Colliery Hospital Chirmiri, District Koriya, Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Ashish Beck, Advocate.
For Respondents	:	Ms. Astha Shukla on behalf of Shri Vaibhav Shukla, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****19.09.2018**

1. The challenge in this petition is to the order of posting dated 23.08.2018 whereby the petitioner has been posted from NCPH Colliery Hospital, Chirmiri to regional Hospital Kurasia.
2. According to the petitioner, the said order has been passed in vindictive manner and also to circumvent the order passed by this court in WPC No.2045 of 2018 dated 31.07.2018. While disposing of the said writ petition, the court has directed the petitioner to make a representation in respect of his grievance of not providing the Personal Monitoring Device (TLD Badge) which is required to be

provided to all those Radiographers working in an X-ray unit of the Hospital.

3. The grievance raised by the petitioner does not seem to be having much force for the reason that even in new place of posting the petitioner would require performing the same nature of duty and where also he would be required to have the same facilities which he had sought for through WPC No.2045 of 2018 decided on 31.07.2018. If at all if the petitioner is not provided for the said benefit as he has claimed for, he would have an appropriate remedy available to him for redressal of his grievance.
4. So far as the contention that the order has been passed with vindictive attitude is concerned, the same also may not be acceptable for the reason that, had the respondents been vindictive or acted with malafide against the petitioner, nothing prevented them from transferring him too far a place particularly when they have Hospitals spread over different States in India.
5. Given the aforesaid facts, reserving the liberty of the petitioner to seek appropriate remedies arising from the order dated 31.07.2018 in WPC No.2045 of 2018, this court does not find any strong case made out at this juncture for interference with the impugned order dated 23.08.2018 (Annexure P/1).
6. In addition, the new transferred place is also within the same area and in a very close vicinity.
7. The writ petition accordingly stands dismissed.

Sd/-

(P. Sam Koshy
Judge