

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO. 6002 OF 2018**

Kalika Prasad Dubey S/o Shri Radha Vallabh Dubey, Aged About 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(s)

Versus

1. State of Chhattisgarh Through The Secretary, Department Of Health And Family Welfare Affairs, Mahanadi Bhawan, Mantralaya, Naya Raipur, Tahsil And District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. The Director, Medical Health, Near Dks Bhawan, Old Nurses Hostel, Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Chief Medical And Health Officer, Office Of The Cmo, Sipat Road, Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
4. Block Medical Officer, Community Health Center, Takhatpur, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

... Respondent(s)

For Petitioner	:	Shri Saleem Kazi, Advocate.
For Respondent-State	:	Shri Arvind Dubey, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

18.09.2018

1. Challenge in this petition is to the order dated 25.08.2018 (Annexure P/1) whereby the petitioner has been transferred from Community Health Centre, Sakri to Community Health Centre, Marvahi, Distt. Bilaspur.
2. The counsel for the petitioner submits that the petitioner on an earlier occasion on 13.08.2017 had been transferred from Primary Health Centre, Amsena, Distt. Bilaspur to Community Health Centre, Marvahi along with unilateral relieving order dated 12.09.2017. The effect and operation of the said transfer order dated 13.08.2017 was stayed by this court vide order dated 02.11.2017 passed in WPS No.5717 of 2017 and had directed the respondents to maintain status quo till the representation of the petitioner is decided, or for a period of 12 weeks.
3. The petitioner submits that his representation till date has not been decided though that period of 12 weeks has already been lapsed. The

impugned order has been passed in contravention to the directives given by this court in WPS No.5717 of 2017. The petitioner further contended that there has been a fake request made by some scrupulous persons projecting it to have been made by petitioner which might be the reason for issuance of the impugned order.

4. Given the aforesaid facts and circumstances of the case, this court is of the opinion that let the petitioner makes a fresh representation before the respondent No.3 within a period of 7 days from today and the respondent No.3, in turn, shall take into consideration the order passed by this court in WPS No.5717 of 2017 dated 02.11.2017 and shall also consider the contentions which the petitioner would be raising in his fresh representation. Let the said representation be decided at the earliest. Meanwhile, the respondents shall not act upon the impugned order dated 25.08.2018 so far as the petitioner is concerned.
5. Accordingly, the petition stands disposed of.

Sd/-
(P. Sam Koshy
Judge