

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 6718 of 2018

Dr. M.K. Naik S/o Late Chakradhar Naik, Aged About 61 Years, R/o Quarter No. F-7, New Gad Colony, Dantewada, District South Bastar, Dantewada, Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through Secretary, Health And Family Welfare Department, Mahanandi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.
2. Director, Directorate Of Health Services, Indravati Bhawan, Naya Raipur, Chhattisgarh.
3. Collector, Dantewada, District South Bastar, Dantewada, Chhattisgarh
4. Dr. R. L. Gangesh, Resident Medical Officer, District Hospital, Dantewada, District South Bastar, Dantewada, Chhattisgarh.

---Respondents

For petitioner	:	Shri Alok Pandey, Advocate.
For State	:	Shri Chandresh Shrivastava, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09/10/2018

1. The challenge in the present Writ Petition is to the order Annexure-P/1 dated 26/09/2018 whereby the charge of the Civil Surgeon – cum - Hospital Superintendent, District Hospital, Dantewada has been taken away from the petitioner and has been ordered to be given to the respondent No.4.
2. The contention of the counsel for the petitioner is that, the respondent No.4 is junior to the petitioner in service and that there are circulars of the State Government which holds that the charge has always to be given to the senior most person in the department.

3. The State counsel at this juncture submits that, the impugned order Annexure-P/1 has been issued on account of certain irregularities committed by the petitioner in the course of discharging his duties.

4. However, perusal of record would show that, there has been no show cause notice calling any explanation or for that matter no departmental proceedings contemplated against the petitioner so far for the said irregularities.

5. In the given facts, this Court is of the opinion that, let the petitioner make a detailed representation in this regard to the respondents No. 1 & 2 within 10 days from today and on such representation being made, the authorities concerned shall take appropriate decision so far as the charge is concerned. That the authorities would also be at liberty to take an appropriate step to avoid situation where the petitioner would be forced to work under his juniors.

6. Let, this exercise be done within a period of 45 days from the date of receipt of certified copy of this order.

7. Till then, let status-quo as it exists today be maintained.

8. With the aforesaid observation, the Writ Petition accordingly stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE