

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 7463 of 2018**

Dr. C. P. Agrey S/o Late Shri C. L. Agrey, Aged About 63 Years,
Presently Posted As Chief Medical And Health Officer, Eye Specialist,
Government District Hospital, Mungeli, District Mungeli Chhattisgarh,
And R/o Chakarbhata, Tahsil Bilha, District Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Health And Family Welfare Department, Mahanadi Bhavan, Mantralaya, New Raipur District Raipur Chhattisgarh
2. The Director, Directorate Of Health Services, Indrawati Bhawan, Naya Raipur Chhattisgarh
3. The Collector, District Mungeli Chhattisgarh
4. Dr. Anand Singh Manjhi, Surgeon, District Hospital, Mungeli Chhattisgarh

---- Respondents

For Petitioner	:	Shri Pravin Das, Advocate
For State	:	Shri Majid Ali, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****14.11.2018**

The substantive grievance of the petitioner is Annexure P-1 dated 12.10.2018 passed by respondent no.1 whereby the respondents have cancelled the earlier order dated 08.10.2018 Annexure P-6 which was

passed by respondent no.1.

2. Vide Annexure P-6 the petitioner was made Incharge, Chief Medical and Health Officer, Mungeli and the said order was acted by the petitioner on 10.10.2018 when he took charge. Subsequently just in 2 days time, the said order has been cancelled and the charge has now been handed over to respondent no.4 by an order made by the Collector who is not a competent authority to issue an order making respondent no.4 Incharge, Chief Medical and Health Officer. The further grievance of the petitioner is that respondent no.4 is much junior to him in as much as he is junior by 12 years in service and in the gradation list, the petitioner's name appears at serial no.28 whereas the name of respondent no.4 appears at serial no. 561.

3. Counsel for the petitioner fairly submits that the charge from the petitioner has already been taken and has been handed over to respondent no.4.

4. Given the aforesaid facts and circumstances of the case, let the matter be placed before respondent no.1 who in turn shall consider the situation where the petitioner would be forced to work under a person who is much junior than him which is in contravention to the circulars of the State Govt. wherein it has been envisaged that the charge should always be given to the senior most person available in the department. The reason being quite explicit that in a situation where the juniors are given the charge, the seniors in the department available would have much difficulty in receiving the orders and instructions from a person junior to him. It was with this intention the Govt. had issued circular where it was instructed that the charge should always be given to the senior most person.

5. Given the fact, let respondent no.1 take a decision in respect of the case of the petitioner particularly in respect of District Mungeli and pass a suitable order in this regard. The petitioner would also be at liberty to file a detail representation if he so chooses within a period of 20 days from today and on such representation being made, respondent no.1 in turn shall decide the same within a further period of 60 days thereafter. It shall be the responsibility of the petitioner to apprise respondent no.1 so far as the order passed by this Court is concerned.

6. The writ petition accordingly stands disposed of.

**Sd/-
P. Sam Koshy
Judge**