

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 772 of 2018**

*{Arising out of order dated 12.10.2018 passed by learned Single Judge in Writ
Petition (S) No. 6839 of 2018}*

- Dr. Umakant Tiwari, S/o D.N. Tiwari, aged about 59 years, Posted at – Community Health Centre – Baloda, District Janjgir-Champa (C.G.)

---- Appellant**Versus**

1. State of Chhattisgarh, Through Secretary, Department of Health and Family Welfare, Mahanadi Bhawan, New Raipur, District – Raipur (C.G.)
2. Director, Health Services, Indrawati Bhawan, 3rd Floor, Naya Raipur, District Raipur (C.G.)
3. Collector, District Janjgir-Champa (C.G.)
4. Chief Medical Health Officer, District Janjgir-Champa, Bilaspur (C.G.)
5. Dr. Sadanand Jangde, S/o Late Chand Ram Jangde (Wrongly mentioned as Late V. Satyanarayan in WPS 6839/2018), Posted at Community Health Center – Baloda, District Janjgir-Champa (C.G.)

---- Respondents

For Appellant	:	Shri Saurabh Dangi, Advocate.
For Respondent No.1 to 4/State	:	Shri Prafull N. Bharat, Additional Advocate General.
For Respondent No.5	:	Dr. Kumaresh Tiwari, Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice**Hon'ble Shri Justice Parth Prateem Sahu****Judgment on Board****Per Ajay Kumar Tripathi, Chief Justice****19.11.2018**

1. Heard counsel for the Appellant, learned Additional Advocate General for the State and counsel for Respondent No.5.

2. Appeal is dismissed for the reason that the learned Single Judge has not taken an incorrect view keeping in mind primarily that the Appellant was only asked to officiate and was not on a substantive posting at the primary Health Center.
3. This Court is not willing to accept the position that even though he was heading the Health Center in question in an officiating basis, he was incapable to control the affairs of the center including the working of the subordinates.
4. Even otherwise, this decision is an administrative decision which is not required to be interfered with.
5. Appeal has no merit. It is dismissed.

Sd/-

(Ajay Kumar Tripathi)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge