

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5533 of 2019

Anil Borkar S/o Shri Hari Ram Borkar Aged About 50 Years Post Gramin Swaths Sayojak (R.H.O.), R/o Village Pangri, Ambagarh Chowki, District Rajnandgaon Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Health, Mahanadi Bhawan, Naya Raipur Chhattisgarh
2. Collector District Rajnandgaon Chhattisgarh.

---Respondents

For Petitioner	:	Dr. Shailesh Ahuja, Advocate
For State	:	Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

30/07/2019

1. The petitioner in the present writ petition is aggrieved by the order dated 12.07.2019, whereby the petitioner has been transferred from the Primary Health Centre, Mahud to Primary Health Centre, Karekatta.
2. Learned counsel for the petitioner submits that the petitioner is a Compounder (i.e. a class-III employee) and he has been transferred 50 KMs away from the present place of posting, which would seriously prejudice to the family members of the petitioner as also the future of the children. He further submits that the petitioner and his wife both are seriously ill, which is evident from the medical certificates.
3. Learned counsel for the petitioner submits that the petitioner may be given liberty to make a representation to the Committee which has been constituted by the State wherein the grievance of the transfer is being heard and till the representation of the petitioner is decided, the transfer order may

not be made effective. Learned counsel for the petitioner, during the course of argument, placed the order dated 11th July, 2019 issued by the State.

4. Heard learned counsel for the parties and perused the documents filed along with the petition where the document about ailment has also been placed on record. Considering the medical documents and further taking into consideration the fact that one Grievance Redressal Committee to hear cases against transfer has already been constituted by the State, it is directed that the petitioner may make a representation before the Committee within a week from today and the Committee may decide the case of the petitioner within a further period of 30 days from the date of representation of the petitioner. Till the representation of the petitioner is decided, the transfer order of the petitioner would not be given effect to.
5. It is further made clear that this Court has not made any observation on the merits of the transfer order. The Committee as has been constituted vide order dated 11th July, 2019 shall be free to take a decision with respect to the representation of the petitioner.
6. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge

Ved