

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5647 of 2019

Baleshwar Yadav S/o Shri Banshidhar Yadav, Aged About 40 Years
Presently Working As Radiographer, Community Health Centre,
Udaypur, Block Udaypur, District- Surguja, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Health And Family Welfare Department, Mantralya, Mahanadi Bhawan, Atal Nagar Raipur, District- Raipur, Chhattisgarh
2. Director, Health Services, Indravati Bhawan, Atal Nagar, Raipur, District- Raipur, Chhattisgarh
3. Collector, Ambikapur, District- Surguja, Chhattisgarh

----Respondents

For Petitioner	:	Mr. C. Jayant K. Rao, Advocate.
For State	:	Mr. Anshuman Shrivastava, P. L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

02/08/2019

1. The challenge in the present writ petition is to the order of transfer dated 12.07.2019 Annexure P-1 whereby the petitioner who is working as a Radiographer at Community Health Centre, Udaypur has been transferred to Community Health Centre, Mainpath in District Sarguja.
2. The sole contention of the petitioner is that the place where the petitioner has been transferred, there is already a Radiographer

posted and the place where the petitioner is presently posted, there is no replacement of the petitioner. Counsel for the petitioner refers to Annexure P-2 which is a recommendation made by the Block Education Officer, CHC, Udaypur requesting the Chief Medical and Health Officer, Ambikapur, District Sarguja to cancel the posting of the petitioner as the post of the Radiographer may fall vacant at CHC, Udaypur.

3. Given the limited facts and circumstances of the case, this Court is of the opinion that let the respondent no.3 reconsider the transfer of the petitioner to Mainpath taking into consideration the fact that at Mainpath there is already a Radiographer available whereas at Udaypur, the replacement of the petitioner has not been made. Keeping in that view, the Collector may take a decision at the earliest preferably within a period of 30 days from the date of receipt of copy of this order. Till then the petitioner may not be relieved from the present place of posting.
4. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge