

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5635 of 2019

Sunil Kumar Agrawal S/o Shri Sushil Kumar Agrawal, Aged About 38 Years, Working As Pharmacist, Ayush Wing, Govt. Hospital Affiliated District Hospital Rajnandgaon, District Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Health And Family Welfare Department, Mahanadi Bhawan, Mantralaya, New Raipur Chhattisgarh
2. The Deputy Director, Ayurved Yog And Natural Medical, Unani Siddha And Homeopathy (Ayush), Chhattisgarh, Raipur Chhattisgarh
3. The Collector, District Rajnandgaon, Chhattisgarh
4. The District Ayurved Officer, Rajnandgaon, District Rajnandgaon Chhattisgarh
5. Smt. Saraswati Verma Posted As Pharmacist, Government Ayurvedic Hospital, Rampur (S) (Chhuikhadan), District Rajnandgaon, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Goutam Khetrapal, Advocate.
For State	:	Mr. P. Acharya, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

31.07.2019

1. Learned counsel for the petitioner submits that the petitioner has been transferred from Ayush Wing, Govt. Hospital Affiliated, District Hospital Rajnandgaon to Specialized Therapy Center, Khairagarh,

District Rajnandgaon. It is contended that the said transfer has been made to accommodate respondent no.5 Smt. Saraswati Verma. He submits that the petitioner was appointed by the Dy. Director, Ayurved and therefore, the transfer order by the Collector would not be binding upon him. He refers to the policy and submits that in such case, when the appointing authority has not transferred the petitioner, the transfer cannot be given effect to. Referring to Annexure P-6 order dated 25.07.2014 counsel for the petitioner submits that when the appointing authority and the transferring authority are different, the transfer cannot be given effect to.

2. Learned State counsel opposes the argument and submits that the order of transfer would show that it has been approved by the concerned Minister and only the communication has been made by the Collector on the basis of the approval and therefore, there is no deviation from the policy.
3. Perusal of the documents and the transfer order would show that the respondent no.5 has been transferred on her own request and her own cost. The transfer of the petitioner has been shown on administrative ground and therefore, the submission of the petitioner that since the petitioner was appointed by the Dy. Director, the Collector would not transfer him, I do not find any force in such submission as the transfer order shows that it has been approved by the concerned Minister.
4. In view of the aforesaid facts, let the petitioner make a representation to the Grievance Redressal Committee constituted by

the State to decide the cases of transfer, within a period of 7 days from today and the Grievance Redressal Committee may decide the same within a further period of 60 days from the date of receipt of the representation. Till then, the transfer in respect of the petitioner shall not be given effect to.

5. With the aforesaid observation, the present writ petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge