

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 6232 of 2019**

Dr. M. K. Naik S/o Late Chakradhar Naik, Aged About 61 Years,
Occupation - In - Charge Civil Surgeon Cum Hospital Superintendent,
Dantewada, Resident - District Hospital, Dantewada, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Health And Family Welfare Department, Mahanadi Bhawan, Atal Nagar, District Raipur Chhattisgarh
2. Under Secretary, Health And Family Welfare Department, Mahanadi Bhawan, Atal Nagar, District Raipur, Chhattisgarh
3. Director, Directorate Of Health Services, Indravati Bhawan, Naya Raipur, Chhattisgarh
4. Dr. Sanjay Kumar Baghel, Occupation – Medicine, District Hospital Dantewada, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Alok Pandey, Advocate
For State	:	Ms. Sunita Jain, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****19.08.2019**

1. The challenge in the present writ petition is to the order Annexure P-1 dated 07.08.2019 whereby the petitioner has been posted at District Hospital, Dantewada from Incharge Civil Surgeon cum Hospital Superintendent, Dantewada.

2. According to the petitioner, he is being replaced by respondent no.4 whose name appears at serial no.16 in the same impugned order.
3. The contention of the counsel for the petitioner is that respondent no.4 is a person who is 10-15 years junior to the petitioner and therefore, the petitioner cannot be deprived of the claim for being given the charge of Civil Surgeon and Assistant Chief Hospital Superintendent, Dantewada. Counsel for the petitioner referred to a circular of the State Govt. dated 14.07.2014 passed by the General Administration Department whereby it has been clearly instructed that the charge should always be given to the senior-most person in the department.
4. Given the aforesaid facts, let the petitioner make a detailed representation to respondents 1 & 2 within a period of 15 days from today and respondents 1 & 2 in turn shall decide the same within a further period of 45 days from the date of receipt of the representation. Till the representation of the petitioner is decided by respondents 1 & 2, the effect and operation of the impugned order so far as the petitioner and respondent no.4 are concerned, shall not be given effect to.
5. The writ petition accordingly stands disposed of.

Sd/-
P. Sam Koshy
Judge