

**HIGH COURT OF CHHATTISGARH, BILASPUR****WRIT PETITION (S) NO.6413 OF 2019**

Dr. Pankaj Kishor S/o Shri Jivnarayan Mishra Aged About 42 Years Posted as Medical Officer / Incharge Block Medical Officer, South Urban, Raipur, District Raipur Chhattisgarh.

**...Petitioner(s)****Versus**

1. State of Chhattisgarh Through Its Secretary, Department Of Public Health And Family Welfare, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur.
2. The Chief Medical and Health Officer District Raipur Chhattisgarh.

**... Respondent(s)**

|                      |   |                                  |
|----------------------|---|----------------------------------|
| For Petitioner       | : | Shri R.K. Kesharwani, Advocate.  |
| For Respondent-State | : | Shri Ayaz Naved, Govt. Advocate. |

**Hon'ble Shri Justice P. Sam Koshy****Order on Board****26.08.2019**

1. Challenge in this petition is to the order dated 14.08.2019 (Annexure P/1).  
Vide the said order, the petitioner, who was working as a Medical Officer and posted at Primary Health Centre, Gogaon, Block Dharsiwa, has been posted to Primary Health Centre, Khairkhunt, Block Tilda.
2. The challenge is on the ground that the petitioner is a Class-II post holder and the impugned order has been passed by the Chief Medical and Health Officer (in short, CMHO) District Raipur, who is not a competent officer and it ought to have been done only at the State level. Further contention is that, the alleged order of transfer is stigmatic, inasmuch as, there are certain allegations levelled against the petitioner which has been made the basis for the said transfer. Thirdly, the order is contrary to Rule 2-b of the Chhattisgarh Civil Services (Joining Time) Rules.
3. This court, at this juncture, is not inclined to interfere with the order impugned firstly on the ground that distance between the two place of posting is hardly 12 Miles and which under no circumstances can cause

inconvenience. Further, what is also to be seen is that, the petitioner substantively posted as a Medical Officer and the Medical Officers in the district are always posted under the CMHO. The CMHO has got administrative power to decide the place of posting of the Medical Officers within the district. Further, what is also to be seen is that the impugned order cannot be said to be an order of transfer. It is only an order of internal posting being made within the district Raipur by the CMHO.

4. So far as the fact that the petitioner has been transferred on some complaint is concerned, though it has been reflected in Annexure P/1 that it has been done at the request of the local MLA, what also cannot be lost sight of is that the local MLA has brought to the notice of the CMHO i.e. the respondent No.2 in respect of certain allegations against the petitioner. For better administration of the health system in the district, the respondent No.2 has passed the order giving the petitioner a different place of posting from the place where there was certain allegations against the petitioner. Mere shifting the petitioner from one Health Centre to another Health Centre within the same district cannot be said to be one which is contrary to the service regulations, nor can it be said to have been done to victimize the petitioner. At times, the authorities in the department have to take certain decisions for the better administration of the system and the impugned order seems to be one as such.
5. For all the aforesaid reasons, this court does not find any strong case made out by the petitioner calling for an interference with the impugned order.
6. The writ petition fails and is accordingly rejected.

Sd/-

(P. Sam Koshy)  
Judge