

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 7026 of 2019**

Dr. Shyam Shankar Raj S/o Shri Jeet Ram, Aged About 45 Years,
Working As Medical Officer, And Posted At Government Primary
Health Centre, Neganar, Block Darbha, District Bastar, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Health And Family Welfare Development, Mahanadi Bhawan, Mantralaya New Raipur, District Raipur, Chhattisgarh
2. Collector Bastar, District Jagdalpur, Chhattisgarh
3. Chief Medical And Health Officer Jagdalpur, District Bastar, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Ajay Shrivastava, Advocate
For State	:	Mr. Ashutosh Mishra, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****03.09.2019**

1. The challenge in the present writ petition is to the order of transfer dated 19.08.2019 whereby the petitioner has been transferred from Govt. Primary Health Centre, Neganar Block Darbha, District Bastar to District Hospital Sukma.
2. The ground of challenge is that the petitioner has been transferred from one tribal area to another tribal area which is contrary to the

transfer policy. He has been working at the present place of posting since 2006 and therefore, he should have been transferred to a non-scheduled and non-tribal area. The second ground of challenge is that the wife of the petitioner is also working under the State Govt. and as per the transfer policy, husband and wife should be as far as possible kept at the same place. A request in this regard was made by the petitioner's wife which was acceded by the respondents vide Annexure P-3 and she was posted at the place where the petitioner is presently posted, but now the petitioner i.e. the husband is being sent to a different place on transfer.

3. Considering the aforesaid two factors and the circumstances, let the petitioner make a detailed representation to the respondents within a period of 10 days from the date of receipt of certified copy of this order and the respondents in turn shall consider the same within a further period of 45 days from the date of receipt of the representation.
4. Till the representation of the petitioner is decided, the effect and operation of the impugned order so far as the petitioner is concerned shall remain stayed.
5. With the aforesaid observation, the writ petition stands disposed of.

**Sd/-
P. Sam Koshy
Judge**