

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 7277 of 2019

Dr. Devendra Nath Nag S/o Late Shri Laxmi Nath Nag Aged About 60 Years Posted As Chief Medical And Health Officer, Jagdalpur, District Bastar Chhattisgarh.

---- Petitioner(s)

Versus

1. State of Chhattisgarh Through Secretary, Health And Family Welfare Department, Mahanadi Bhawan, Atal Nagar, District Raipur Chhattisgarh.
2. Director Medical And Health Officer, Indrawati Bhawan, Atal Nagar, Raipur Chhattisgarh.
3. Dr. Jagjivanlal Uikey Chief Medical And Health Officer, District Hospital, Kanker Chhattisgarh.
4. Dr. Ram Chandra Thakur Civil Surgeon, District Hospital, District Kanker Chhattisgarh.
5. Dr. R.K Chaturvedi Medical Officer, Primary Health Centre, Maalgaon, District Bastar.

---Respondents

For Petitioner	:	Shri Anup Majumdar, Advocate.
For State	:	Shri Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

11.09.2019

1. The grievance of the petitioner in this petition is that, the petitioner who was working as Incharge Chief Medical and Health Officer (in short, CMHO), Jagdalpur has been transferred to District Hospital, Kanker vide order dated 19.08.2019.
2. The counsel for the petitioner submits that the post of Incharge CMHO at District Hospital Jagdalpur is being handed over to respondent No.5 who does not have minimum qualification for holding the post of CMHO and does not even have the Post Graduation qualification. Thus, the petitioner's replacing by the respondent No.5 is contrary to the Service Regulations. At the same time, further grievance of the petitioner is that, at the place where the petitioner is being transferred i.e. at District Hospital, Kanker, juniors to the petitioner are holding the post of incharge CMHO as

well as post of Civil Surgeon which would give rise to a situation where the petitioner, inspite of being senior would be forced to work under the dictates of the junior persons i.e. incharge CMHO as well as Civil Surgeon.

3. Given the aforesaid facts and circumstances of the case, particularly considering the seniority of the petitioner, this court is of the opinion that ends of justice would meet if the respondents No.1&2 are directed to ensure that the issue of junior persons being given the charge at District Hospital Kanker is reconsidered in terms of the circular of the State Govt. dealing with granting of charge is concerned particularly taking into consideration the case of the petitioner, who, according to him, is senior in service to the respondents No.3&4 who are working as Incharge CMHO as well as Incharge Civil Surgeon at District Hospital, Kanker.
4. Let the petitioner make a detailed representation in this regard to the respondents No.1&2 within a period of 10 days from today and the respondents No.1&2, in turn, shall take an appropriate decision in this regard at the earliest preferably within a period of 45 days from the date of receipt of representation. The decision of respondents No.1&2 should be purely in accordance with the circular of the State Govt. governing the filed.
5. Till the representation of the petitioner is decided, the parties shall maintain status quo as it exist today so far as posting of petitioner is concerned.
6. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge