

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7036 of 2019

Anand Kumar Singh S/o Shri Ram Pravesh Singh Aged About 34 Years Presently Working As Assistant Grade-3, Government District Hospital, Ambikapur Attached From The Office Of The Joint Director And Superintendent Government Medical College, Ambikapur, District Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary/ Under Secretary, Department Of Medical Education, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. State Of Chhattisgarh Through The Secretary/ Under Secretary, Department Of Health And Family Welfare, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. Director Health Services, Directorate, Indrawati Bhawan, Atal Nagar, Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
4. Joint Director And Superintendent Government Medical College, Ambikapur, District Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Pawan Shrivastava, Advocate
For State	:	Mr. Ashutosh Mishra, PL

Hon'ble Shri Justice P. Sam Koshy

Order on Board

05.09.2019

1. The challenge in the present writ petition is to the order Annexure P-1 dated 23.08.2019 whereby the petitioner has been transferred from Ambikapur to Jagdalpur.
2. The contention of the petitioner is that the petitioner in fact is an employee of the State Health Services and order of transfer has been issued by another department i.e. the Department of Medical Education and therefore the same is bad. Second ground of challenge is that the order of transfer shows petitioner to have been

transferred on own request. Whereas, the petitioner has never made any request. Third ground of challenge is that he is a Tehsil Level President of the Chhattisgarh Tiritiya Varga Shaskiya Karmachari Sangh. On this ground, he falls within the protected category. Accordingly the petitioner should not have been transferred.

3. Given the aforesaid facts, let petitioner make a detailed representation to the respondent No. 1 within a period of 10 days from the date of receipt of copy of this order and respondent No. 1 on receipt of representation of the petitioner in turn shall consider all the aforesaid grounds that he raises in the representation and decide the same within a period of 45 days.
4. Till decision is taken on the representation of the petitioner, the effect and operation of the impugned order so far as petitioner is concerned shall remain stayed
5. With the aforesaid observations, the present Writ Petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge