

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 7492 of 2019**

Rajesh Kumar Dhiwar S/o Late Ganesh Ram, Aged About 44 Years
Occupation Government Service, Ayurved Pharmacist, Government
Ayurvedic College/ Hospital, Nutan Chowk Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Health Family Welfare And Treatment Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur, Chhattisgarh
2. Additional Secretary, Chhattisgarh Government Health Family Welfare Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur, Chhattisgarh
3. Director, Ayurvedic Yog And Natural Treatment Siddh, Homeopathic (Aayush) Chhattisgarh, D.K.S. Bhawan Campus Raipur, District Raipur, Chhattisgarh
4. Superintendent / Principal Government Ayurvedic College/hospital, Nutan Chowk Bilaspur, Chhattisgarh
5. Shri Kuldeep Kumar Jangde, Aged About 35 Years, Occupation Government Service Pharmacist, Primary Health Center Katori Nagoi, District Korba, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Ashok Patil on behalf of Mr. M. K. Jaiswal, Advocate.
For State	:	Mr. P. Acharya, P.L.

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

27.09.2019

1. The challenge in the present writ petition is to the order Annexure P-1 dated 22.08.2019 whereby petitioner has been transferred from Bilaspur to Korba.
2. The contention of the counsel for the petitioner is that the petitioner substantively was appointed under the Ayurved Department of the State Govt vide order dated 28.02.2009 and now vide the impugned order, the petitioner is being transferred from Ayurvedic College/Hospital, Nutan Chowk Bilaspur to the Primary Health Centre Katori Nagoi, District Korba. According to the petitioner, he has no experience and know how to work in an Allopathic dispensary and therefore, the order of transfer of the petitioner to the Allopathic wing is bad in law.
3. Given the aforesaid fact, let the petitioner make a detailed representation to the respondent no.1 within 10 days from the date of receipt of certified copy of this order and the respondent no.1 in turn shall consider the same within a period of 45 days from the date of receipt of the representation. While deciding the representation, the respondent no.1 is directed to scrutinize the fact whether the petitioner who is a pharmacist in the Ayurved Department can be posted in an Allopathic Primary Health Centre. It shall also be verified whether at the said Primary Health Centre, there is some Ayurvedic wing or not.
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**

Khatai