

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 7382 of 2019**

Ravi Kumar Banjare S/o Late Shri Lal Banjare Aged About 34 Years
Occupation Assistant Grade-II, Office Of Chief Medical And Health Officer,
Baloda Bazar, District- Baloda Bazar-Bhatapara, Chhattisgarh., District :
Balodabazar-Bhathapara, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Health And Family Welfare Department Mahanadi Bhawan, Mantralya, Atal Nagar, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Director Directorate Of Health And Family Welfare Department Indrawati Bhawan, Mantralaya, Atal Nagar, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. The Chief Medical And Health Officer Baloda Bazar, District- Baloda Bazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Prakash Tiwari, Advocate
For State	:	Mr. P. Acharya, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****11/09/2019**

1. The challenge in the present writ petition is to the impugned order Annexure P/1 dated 23.08.2019 whereby the services of the petitioner has been transferred from the office of Chief Medical and Health Officer, Baloda Bazar to the District Hospital, Gariyaband.
2. The challenge is on the ground that the petitioner has been shown as Assistant Grade-III in the impugned order of transfer, whereas the petitioner has been substantively promoted as Assistant Grade-II vide order dated 14.08.2018 (Annexure P/3).
3. Given the facts that the petitioner has been substantively promoted as Assistant Grade-II w.e.f. August, 2018 and the petitioner also having assumed the charge of Assistant Grade-II since then, the

petitioner could not be transferred as Assistant Grade-III. If at all, if the respondents intend to transfer the petitioner from the present place of posting to the transferred place, the petitioner can be transferred only on the post of Assistant Grade-II and not on any other post. The respondents should ensure that the petitioner is given joining as Assistant Grade-II alone and not on the post of Assistant Grade-III. The State Government would also ensure that the petitioner does not lose his seniority and promotional avenues on the post of Assistant Grade-II which the petitioner has been holding since August, 2018 onwards. In the meanwhile, if the petitioner gives a joining, the joining cannot be refused by the respondent authorities under any circumstances.

4. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved