

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7429 of 2019

Mahesh Kumar Soni S/o Late Shri Rajendra Prasad Soni Aged About 45 Years Working On The Post Of Rural Health Organizer Sub Health Centre Katkalo, Block Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Health And Family Welfare Department, Mantralaya Mahanadi Bhawan, Naya Raipur, Atal Nagar, Post Office And Police Station Naya Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Under Secretary Health And Family Welfare Department Mantralaya, Mahanadi Bhawan, Naya Raipur, Atal Nagar, Post Office And Police Station 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. Collector Surguja Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
5. Chief Medical And Health Officer Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Respondents

For Petitioner	:	Shri V. K. Pandey, Advocate.
For Respective Respondets	:	Shri Chandresh Shrivastava, Dy. AG & Shri A. N. Pandey, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19/09/2019

1. The challenge in the present writ petition is to the impugned order Annexure P-1 dated 23.08.2019 whereby the petitioner has been transferred from Sub health Centre, Katkalo, Block Ambikapur District Surguja to Sub Health Centre, Irpanar, Block Koylibeda, District Kanker.

2. Contention of the petitioner is that the seniority of the petitioner is maintained district wise and petitioner is being sent to a place out of district and thereby the seniority and promotional prospects of the petitioner would get adversely affected.
3. Given the said fact, which is not disputed by the state counsel on instruction, this Court is of the opinion that a strong case for disposal of the writ petition is made out. Accordingly, let petitioner make a detailed representation to the respondent No. 1 & 2 within a period of 10 days from today. On receipt of the representation Respondent No.1 & 2 shall decide the same within a further period of 45 days.
4. Till the representation is decided, the effect and operation of the impugned order shall remain stayed so far as petitioner is concerned.
5. Meanwhile, respondents are also at liberty to take steps considering the person who is replacing the petitioner and who has entered appearance in this case as a Caveator intimating that he has been relieved from his place of posting and already joined at the present place of posting. Authorities while deciding the representation would be at liberty to verify whether the seniority and promotional prospects of the petitioner are in fact going to get adversely affected or not?
6. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit