

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 7566 of 2019**

Jatin Kumar S/o Shri Rakesh Kumar Aged About 34 Years R/o Village
And Post Govindpur, Tahsil And District North Bastar Kanker,
Chhattisgarh., District : Kanker, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Principal Secretary, Health And Family
Administration Department, Mantralaya, Mahanadi Bhawan, Naya Raipur,
Chhattisgarh., District : Raipur, Chhattisgarh
2. The Collector District North Bastar Kanker, Chhattisgarh., District :
Kanker, Chhattisgarh
3. The Director Health Services, Indravati Bhawan, Naya Raipur, Atal Nagar,
Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
4. The Chief Medical And Health Officer Kanker, District North Bastar
Kanker, Chhattisgarh., District : Kanker, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Mahendra Dubey, Advocate
For State	:	Ms. Akansha Jain, Dy. GA

Hon'ble Shri Justice P. Sam Koshy**Order on Board****23/09/2019**

1. The challenge in the present writ petition is to the order dated
23.08.2019 whereby the petitioner has been transferred Kanker to
Dantewada.
2. Contention of the petitioner is that the post on which the petitioner is
working i.e. the Pharmacist Grade -II is a district cadre post with
seniority and promotions from the said post is given to the district
level employees. He further submits that vide the impugned order
since there is a change of district from the transfer, the seniority and

promotional avenues of the petitioner would get adversely affected.

Further submission is that the transfer order's Clause -5 specifically mentions that in case if the cadre is a district cadre then such employees need not be relieved for the transferred place.

3. The limited prayer that petitioner makes, since he has already made representation, the respondent authorities shall consider the contentions in the petitioner's representation and verify whether the petitioner falls within the district cadre employee or not and whether the seniority and promotion of the petitioner would be adversely affected or not? In the event if it is found that petitioner's post is a district cadre post, then under the Clause 5 of the transfer policy, the petitioner need not be relieved to the transferred place.
4. Let this exercise be completed by respondent No. 1 within a period of 30 days from the date of receipt of copy of this order. Till the respondent No. 1 takes a decision, let status quo as it exists today so far as posting of the petitioner is concerned be maintained.
5. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit