

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 466 of 2019**

*{Arising out of order dated 06.09.2019 passed by the learned Single Judge in Writ
Petition (S) No. 7218 of 2019}*

- Dr. Manish Baghel, S/o Krishna Kumar Baghel, aged about 34 years, working as Medical Officer in Community Health Centre, Chhuikhadan, District Rajnandgaon, C.G., R/o New Hospital Colony, Near Janpad Office, Chhuikhadan, District Rajnandgaon (C.G.)

---- Appellant**Versus**

1. State of Chhattisgarh, Through Secretary, Department of Health and Family Welfare, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur, District Raipur (C.G.)
2. Director, Directorate of Health Services, Indravati Bhavan, Atal Nagar, Raipur, District Raipur (C.G.)
3. Collector, District Rajnandgaon (C.G.)
4. Chief Medical and Health Officer, District Rajnandgaon (C.G.)

---- Respondents

For Appellant	:	Shri Rahim Ubwani, Advocate.
For Respondents/State	:	Shri Siddharth Dubey, Deputy Government Advocate.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice
Hon'ble Shri Justice Parth Prateem Sahu, Judge

Judgment on Board**Per Parth Prateem Sahu, Judge****18.10.2019**

1. The Appellant aggrieved by the order dated 06.09.2019 passed by the learned Single Judge, whereby the learned Single Judge declined to interfere with the order of transfer passed by the Respondent authorities against him.
2. The case of the Appellant is that, the Appellant has been transferred on 19.08.2019 from Community Health Center, Chhuikhadan, District Rajnandgaon to Community Health Center, Chhura, District Gariyaband showing in the column of the ground for the transfer as "own expenses".

3. The learned counsel for the Appellant submits that at no point of time he had made any application for his transfer to any other place and therefore, he could not have been transferred mentioning the ground as 'own expenses'. He further submits that if for any of the reasons some change is to be made in the order of transfer, it is only with the approval of Coordination-Committee, which is a body constituted by State Government for considering the issues relating to transfer. During the course of correcting the order of transfer of Appellant no such proceedings have been taken, but the Respondent No. 1 has modified the order of transfer and held that the Appellant has been transferred because of the administrative exigency.
4. The learned counsel for the Respondents/State submits that the reason mentioned in the transfer order with respect to "on own expense" appeared in the order of transfer dated 19.08.2019 was due to typographical error whereas he has been transferred on the ground of "administrative exigency" and therefore, the Respondent No. 1 has corrected the typographical error and the said correction was not required to be placed before the Coordination-Committee.
5. Considering the facts and circumstances of the case that the original transfer order has been subsequently corrected by the authority which cause the Appellant to file writ petition before this Court which was disposed off with the direction to file representation. On the last date of hearing, looking to the facts and circumstances of the case, we have directed to maintain *status-quo*, and on that basis, the Appellant is presently discharging his duties on the earlier place of posting.
6. In view of the aforementioned facts and circumstances of the case, particularly considering the fact that by virtue of the interim order passed by this Court, the Appellant is at present discharging his duties at the earlier place of posting i.e.

Community Health Center, Chhuikhadan, District Rajnandgaon, we deem it fit to direct the Appellant to make appropriate representation before the competent authority as provided in the transfer policy alongwith a copy of the writ petition as well as a copy of the writ appeal within the period of 10 days from today. The competent authority in turn will decide the representation so filed within a further period of 2 weeks. Till then *status-quo* granted by this Court on 16.10.2019 shall continue.

7. The writ appeal stands disposed off.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge