

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 8881 of 2019

Tapas K Biswas, S/o. Late Shri H.N. Biswas, Aged About 59 Years, R/o. MIG-I- D/40. Abhilasha Parisar, Behind New High Tech. Bus Stand, Bilaspur, District- Bilaspur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through- The Secretary, Department Of Health And Family Welfare, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh
2. Director, Directorate Of Health Service, Public Health And Family Welfare Department Raipur Chhattisgarh
3. Joint Director, Public Health And Family Welfare Department Bilaspur Chhattisgarh.
4. Chief Medical & Health Officer, District- Bilaspur Chhattisgarh.
5. Block Medical Officer, Community Health Center, Masturi, District- Bilaspur Chhattisgarh
6. R.K. Koshley, Assistant Grade 03, Primary Health Center, Darrighat, Bilaspur Chhattisgarh (Attached And Working As In-Charge Accountant, Community Health Center, Masturi, District- Bilaspur Chhattisgarh).

---- Respondents

For Petitioner	:	Mr. Anshuman Shrivastava, Advocate
For State	:	Mr. Kunal Das, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05.11.2019

Heard

1. In the earlier round of litigation in WPS No.206 of 2018 by the order dated 09.01.2018, the representation of the petitioner was directed to be decided within a period of two weeks.
2. Grievance of the petitioner is that the petitioner being the senior most in the office, he was given the charge of Assistant Grade-I by the Block Medical Officer, however, that has been superseded by the Chief Medical Officer giving the charge to the junior for which earlier this Court has ordered to decide the representation of the petitioner, which has not been decided till date. It is stated that as per the circular of the State, the senior in the office could not have been bypassed for trivial reasons.

3. Perused the documents. In the earlier round of litigation, the grievance of the petitioner that the respondent No.6, who is junior to the petitioner, has been given the charge of Assistant Grade-I though the petitioner is senior and as per the circular, the petitioner could not be avoided. In the earlier round of litigation, this Court has passed the following orders:

“1. Learned counsel for the petitioner submits that though the petitioner is senior to the respondent No.7 but he has been given the charge of accountant.

2. Be that as it may, the petitioner is at liberty to make representation for redressal of his grievance before the respondent No. 5-Chief Medical And Health Officer, District – Bilaspur within ten days from today and, in turn, the respondent No.5 shall consider and dispose of the petitioner's representation expeditiously preferably within a period of two weeks from the date of production of copy of this order.”

4. Considering the earlier order though it appears the representation of the petitioner has not been decided till date, the respondent No.4 is directed to decide the representation of the petitioner. It is further made clear that the petitioner shall be at liberty to make a fresh representation within 7 days from today and he shall be at liberty to attach all the circulars so as to support his contention. If such representation is received by the respondent No.4, the same shall be decided within a period of 10 days, as it appears that the earlier order of this Court has been ignored. It is also expected that while passing the order on the representation, serious note shall also be taken to different Government circulars which are existing of handing over the charge to the senior most.

5. With such observation, the petition stands disposed of.

ashok

Sd/-
Goutam Bhaduri
Judge