

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 9202 of 2019

Dr. Deepak Singh Raj S/o Shri Moti Ram Raj Aged About 42 Years
Presently Posted As Medical Officer At Government Primary Health
Center, Ajgarbahar And In - Charge Block Medical Officer Of Block
Korba, District Korba Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Health
And Family Welfare, Mahanadi Bhawan, New Raipur, Atal Nagar,
District Raipur Chhattisgarh.
2. Additional Secretary, Department Of Health And Family Welfare
Mahanadi Bhawan, New Raipur, Atal Nagar, District - Raipur
Chhattisgarh.
3. Chief Medical And Health Officer, District - Korba Chhattisgarh.

----Respondents

For petitioner – Shri Satish Gupta, Advocate.
For State-Ms. Akansha Jain, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

14/11/2019

Heard.

1. Grievance of the petitioner is that the petitioner is working at Government Primary Health Center, Ajgarbahar, District Korba and he has been transferred to District Hospital, Korba by transfer order dated 19/08/2019 on the administrative ground. It is contended that the petitioner is serving to the cause of 30000 people in the dense forest area and is willing to continue and serve the people for which he has been awarded at different time. It is further contended that the petitioner wherein he has been transferred already two persons are surplus as the sanctioned post are 19 and 21 persons are working as per Annexure P-2 and as per policy of the State clause 2.5 transfer can only be made where there is a deficit employee present. It is further contended that transfer from the post in

schedule area, unless and until the reliever is given, person cannot be transferred and in this case reliever has not been posted.

2. Learned State counsel opposes the argument and would submit that policy would not apply when transfer is made within the schedule area.

3. Perused the policy of the State clause 2.4 and 2.5. The petitioner contends that the reliever has not been posted till date. Consequently, the petitioner is the only person who is serving the cause at the Primary Health Center, Ajarbahaar. Considering the submission made, the petitioner is given liberty to make a representation within a period of 15 days from today before the Grievance Redressal Committee. If such representation is filed, same may be decided within a further period of 45 days. It is further observed that since the petitioner claim that he is the only person discharging the job of doctor in remote village area, it is directed that the petitioner shall not be relieved till reliever is posted. It is also made clear that if reliever has been posted, this instant order will not be effective for the purpose of stay of transfer.

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

Sd/-

(Goutam Bhaduri)

JUDGE