

HIGH COURT OF CHHATTISGARH AT BILASPUR**W.P.(S) No. 9697 of 2019**

Manoj Kumar Baiga, S/o. Gendlal Baiga, Aged About 32 Years, Working
As Ward Boy, Primary Health Center, Nagar, District Korea, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through The Under Secretary, Health And Family Welfare Department, Mantralaya, Atal Nagar, Nawa Raipur, Chhattisgarh.
2. The Director, Directorate Of Health Services, Indravati Bhawan, Nawa Raipur, Chhattisgarh.
3. The Chief Medical And Health Officer Korea, District Korla, Chhattisgarh.

---- Respondents

For Petitioner : Mr. R.V.Rajwade, Advocate

For State : Ms. Beenu Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****26.11.2019**

1. Grievance of the petitioner is that the petitioner who is Ward Boy posted at Primary Health Center, Nagar, District Korea has been transferred to Community Health Center, Bhaiyathan, District Sarguja.
2. It is contended that as per the transfer order, if the transfer affects the seniority of the employee, then in such case, he may opt not to be relieved as per Clause-5. It is stated that the petitioner is a Class-IV employee, his seniority are maintained district wise; therefore, the petitioner cannot be transferred and cannot be relieved exparte unilaterally.
3. State counsel do not dispute the fact that seniority of the petitioner are maintained district wise.

4. Perused the transfer order. Clause-5 of the transfer order affirms the fact that when the seniority of the employee is affected by transfer then he may not opt to be relieved. Taking into such fact, it is directed that the petitioner may make a representation within a period of 15 days to the Grievance Redressal Committee and the Committee in turn shall decide the same within an outer limit of 60 days from the date of receipt of the representation.
5. With such observation, the petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge

Ashok