

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 10181 of 2019**

- Puran Chand Choudhary, S/o Shri Sarju Prasad, Aged About 50 Years, Working As Multipurpose (Male) Resident Of Village Shiv Prasad Nagar , Tahsil Bhaiyathan , District Surajpur Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Health And Family Welfare, Government Of Chhattisgarh, Mahanadi Bhawan Mantralaya Atal Nagar , New Raipur Chhattisgarh.
2. The Chief Medical And Health Officer District Korea Chhattisgarh.
3. The Collector Baikunthpur , District Korea Chhattisgarh.

---- Respondents

For Petitioner : Shri Sachin Singh Rajput , Advocate

For Respondents/ State : Ms. Richa Shukla, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****05/12/2019**

1. Heard.
2. The grievance of the petitioner is that the petitioner has been transferred from Sub-Health Center, Chirmiri, District Korea to Chief Medical and Health Officer (C.M.H.O.) Surguja.
3. It is contended that the post of the petitioner is a Class 3 employee and his seniority is maintained district wise thus his transfer from Chirmiri, District Korea to Surguja would affect his seniority. It is further contended that the place of posting of the petitioner has also been wrongly made and as per the clause 5 of the transfer order, it is the prerogative of the employee to be relieved or not in case his seniority is affected, therefore, the petitioner do

not want to be relieved as her seniority would be affected. Accordingly, it is prayed that the transfer order may be canceled.

4. Perused the documents.
5. Considering the fact initially a representation has already been given to the CMHO, however, the same has not been decided and further perusal of the transfer order shows that the option has been given to the employee that in case if the seniority is affected he would have an option to be relieved or not. The petitioner claims subject to verification that it is a district cadre post and his seniority is maintained at Chirmiri, District Korea, considering the same the petitioner cannot be pressed to be relieved. Therefore, in the facts of the case the petitioner is given liberty to make a fresh representation in this regard within a period of 15 days from today before the Grievance Redressal Committee and on such representation being filed, the Committee shall decide the same as early as possible preferably within a period of 60 days from the date of receipt of the representation. Till the representation of the petitioner is decided, the transfer order dated 23.08.2019 in respect of the petitioner shall not be given effect to and the petitioner shall not be pressed to be relieved in terms of Clause 5 of the transfer order.
6. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge