

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 10637 of 2019

Jamuna Prasad Singh Uday, S/o. Shri Tekan Singh Uday, Aged About 34 Years, Working As Rural Agriculture Extension Officer, Block Masturi, District Bilaspur, Chhattisgarh, R/o. C/o Om Patel Niwas, Old Power House, Near Manoj Kirana Store, Deoridih, Bilaspur- 495004.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Department Of Agricultural Development And Farmers' Welfare And Biotechnology Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar, Raipur, Chhattisgarh.
2. Director, Department Of Agricultural Development And Farmers' Welfare And Biotechnology, Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar, Raipur, Chhattisgarh.
3. Assistant Director, Department Of Agricultural Development And Farmers' Welfare And Biotechnology, Old Composite Building, Bilaspur, District Bilaspur, Chhattisgarh.
4. Sub Divisional Agricultural Officer, Department Of Agricultural Development And Farmers' Welfare And Biotechnology, Old Composite Building, Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondents

For Petitioner : Mr. D.R.Minj, Advocate

For State/Respondents : Mr. Akanksha Jain, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16.12.2019

1. This is the second round of litigation. The petitioner was transferred from Masturi to Wadrafnagar by order dated 22.08.2019 which was subject of challenge in WPS No.7194 of 2019 wherein on 12.09.2019 this Court has passed the following orders :

1. *Challenge in the present Writ Petition is to the order of transfer dated 22.08.2019 whereby the petitioner has*

been transferred from Masturi to Wadrafnagar.

2. The sole ground on which the petitioner has challenged the order of transfer is ill health of his wife. According to the petitioner, his wife is suffering from peculiar disease which requires constant medical attention and treatment and which perhaps is available only at Bilaspur and not in any Hospital in the State of Chhattisgarh.

3. Given the aforesaid facts, let the petitioner make a detailed representation in this regard to the respondent No.1 within a period of 10 day from today supported by all relevant medical documents that is available with the petitioner so far as illness of his wife is concerned, and the respondent No.1, in turn, shall consider and decide the same sympathetically at the earliest preferably within a further period of 45 days, if not retaining at same place, being posted where the petitioner could get prompt medical attention in case of necessity.

4. Till the representation of the petitioner is decided, the effect and operation of the impugned order so far as petitioner is concerned, shall remain stayed.

5. The writ petition accordingly stands disposed of.

2. Learned counsel for the petitioner would submit that the representation while was being decided by Annexure P-1, the medical documents submitted by the petitioner were not being considered and the opinion has been sought for from the Director, Agriculture; whereas the petitioner's application was only on the medical ground that wife of the petitioner is suffering from Acute Immense Disease, which is evident from the medical documents, therefore, she requires special medical treatment and without considering those facts, the representation has been rejected.

3. Perused the earlier order of this Court and various documents filed by the petitioner. The medical certificate is also filed. The order Annexure P-1 shows that while deciding the representation, the permission from the Director, Agriculture, was obtained and along with that it is stated that the representation has been considered. Since only on the medical ground, the representation is sought for that the treatment is not available at Balrampur wherein the petitioner is transferred, the Secretary, Agriculture, Department of Agricultural Development, is directed to reconsider the case of the petitioner afresh by evaluating the medical documents and, if need be, obtain opinion from the medical expert.
4. With such observation, the writ petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge