

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 10762 of 2019

Panchram Ajay S/o Shri Tularam Ajay Aged About 49 Years Presently Posted as Ophthalmologist Assistant Officer, Community Health Centre, Pathalgaon, District Jashpur, Chhattisgarh. **--- Petitioner**

Versus

1. State of Chhattisgarh through Secretary, Department of Health And Family Welfare, Mahanadi Bhavan, Nawa Raipur, District Raipur, Chhattisgarh.
2. Under Secretary Department of Health And Family Welfare, Mahanadi Bhavan, Nawa Raipur, District Raipur, Chhattisgarh.
3. Director Directorate of Health Services, Indravati Bhawan, Nawa Raipur, District Raipur, Chhattisgarh.
4. Chief Medical Officer Department of Health and Family Welfare, Jashpur, District Jashpur, Chhattisgarh. **--- Respondents**

For the Petitioner : Mr. Karri Rohan, Advocate.

For the State/Respondents : Mr. Soumya Rai, Panel Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19-12-2019

Heard.

1. The petitioner who is working as Ophthalmologist in Community Health Center, Pathalgaon, Distt. Jashpur has been transferred to Primary Health Center, Lundra, Distt. Sarguja vide order dated 23.08.2019 which is under challenge in this writ petition.
2. It is stated that the transfer of the petitioner is from one schedule area to another schedule area and as per the transfer policy, the transferred employee cannot be relieved unless the reliever comes and till date, the petitioner has not been relieved. It is further stated that the petitioner has already made a representation to the Minister. He further submits that the

petitioner comes under the protected category as he has been appointed as Secretary of Chhattisgarh Pradesh Swasth Karmachari Sangh, Distt. Branch Jashpur by annexure P-3. Therefore, as per the Policy of the State, the persons who are holders of the recognized Union cannot be transferred.

3. A perusal of the document Annexure P-3 would show that it is a certificate issued by the Chhattisgarh Pradesh Swasth Karmachari Sangh.
4. As per the Clause 1.4 of the Transfer Policy, a person who is holder of the post in recognized Union enjoys the exemption from transfer for a period of time. Taking into consideration the document (Annexure P-3), liberty is given to the petitioner to make a representation before the Grievance Reddressal Committee within a period of 15 days and on such representation being filed, the same shall be considered and decided within a further period of 45 days. If the transfer order has not been given effect to, the same shall not be given effect till the representation of the petitioner is decided.
5. With the aforesaid observation, this writ petition stands disposed of.

Sd/-

**GOUTAM BHADURI
JUDGE**