

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 10780 of 2019**

- Dr. Chagan Lal Gavre S/o Shri Sita Ram Gavre Aged About 55 Years Presently Posted As In-Charge Block Medical Officer, Community Health Centre, Tokapal, District Bastar, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Health And Family Welfare, Mahanadi Bhawan, Nawa Raipur, District Raipur, Chhattisgarh
2. Under Secretary Department Of Health And Family Welfare, Mahanadi Bhawan, Nawa Raipur, District Raipur, Chhattisgarh
3. Director Director Of Health Services, Indravati Bhawan, Nawa Raipur, District Raipur, Chhattisgarh
4. Dr. Pradeep Kumar Baghel Medical Officer, Community Health Centre, Bastanaar, District Bastar, Chhattisgarh

---- Respondents

For Petitioner : Shri K. Rohan, Advocate

For Respondents/State : Ms. Beenu Sharma, PL

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****19/12/2019**

1. Heard.
2. This is the second round of litigation. The petitioner was transferred by order dated 19.09.2019 from Community Health Centre, Tokapal, District Bastar to Community Health Centre, Bastanar, District Bastar and one Pradeep Kumar Baghel was transferred Community Health Centre, Bastanar, District Bastar to Community Health Centre, Tokapal, District Bastar, wherein the petitioner is

working. Both the said persons i.e. the petitioner Dr. Chagal Lal Gavre and the respondent No.4 Dr. Pradeep Kumar Baghel filed a writ petition and both the writ petitions were heard together and the petition filed by the petitioner was WPS No.6875 of 2019, wherein this Court on 03.09.2019 has passed the following orders:-

- “1. Taking into consideration the fact that, the impugned order is the same. The two petitioners are affected by the same order and the two petitioners have been correlated in the impugned order for being transferred. The two writ petitions are being heard and decided by this Court.
2. The challenge in the present Writ Petition is to the order of transfer Annexure P-1 dated 19.09.2019, whereby the petitioner in WPS No. 6880 of 2019 stands transferred from Community Health Centre, Bastanar, District: Bastar to Community Health Centre, Tokapal, District: Bastar and the petitioner in WPS No. 6875 of 2019 has been transferred from Community Health Centre, Tokapal, District: Bastar to Community Health Centre, Bastanar, District: Bastar, (C.G.).
3. The two petitioners have been shown to have been transferred on mutual request that they have made.
4. A categorical statement by the counsel for the petitioner is that, both the petitioner had never made any request or any sort of transfer much less mutual transfer to be made in between them.
5. Given the said facts, let the two petitioners make a representation vide Annexure P-3 dated 25.08.2019 in this regard, which is pending consideration before the authorities, therefore, the Respondent No. 1 may consider the representation of the petitioners at the earliest, preferably within a period of 45 days from the receipt of representation of the petitioner.
6. Till the representation of the petitioner is decided, the effect and operation of the impugned order, so far as the petitioners are concerned shall remain stayed.
7. With the aforesaid observations, the present Writ Petition stands disposed off.”

3. Learned counsel for the petitioner would submit that thereafter the representation having been made, the same was decided by Annexure P-1 dated 25th of November, 2019, wherein in the remark column it was stated that it was a mutual transfer in between the petitioner and the respondent No.4 whereas in the transfer order it was mentioned as on the administrative grounds, therefore, there is no application of mind by the officer while deciding

the representation as in the mechanical manner the representation has been decided and dismissed, therefore, the transfer order may be directed to be canceled.

4. Perused the documents. Perusal of documents would show that while deciding the representation only a simple observation has been made that it was a typographical mistake. The order rejecting representation do not purport that proper reasoning has been given simply by writing that it is a typographical mistake does not serve the purpose when it is supported by the order of this Court to pass a detail order. Consequently, the matter is remitted back to the Under Secretary, who has passed the order on the representation to reconsider the case of the petitioner within a period of 45 days from the date of receipt of this order. It is expected that the detailed order shall be passed as to what transpired in the earlier transfer order wherein it was shown as mutual transfer and subsequently it was projected as a typographical mistake. The proper reasoning can be ascertained thereafter qua the policy of transfer. Till then the transfer order of the petitioner shall not be given effect to.
5. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge