

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 328 of 2020**

- Dr. Dinesh Kumar Dewangan S/o Anand Ram Kosta Aged About 37 Years Presently Working As Medical Officer At Government Medical College Ambikapur, Police Station Gandhinagar, Tahsil Ambikapur, District Surguja Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Health And Family Welfare Mahanadi Bhawan, Mantralaya, Capital Complex, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh
2. Upper Secretary Department Of Medical Education Mahanadi Bhawan, Mantralaya, Capital Complex, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh.
3. The Dean Of Govt. Medical College Ambikapur, District Ambikapur Chhattisgarh.
4. Director Of Medical Education The Old Nurses Hostal, D.K.S. Complex Raipur, District Raipur Chhattisgarh.

---- Respondents

For Petitioner : Shri A.K. Yadav, Advocate

For Respondents/ State : Ms. Beenu Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****16/01/2020**

1. Heard.
2. Learned counsel for the petitioner would submit that the petitioner has been transferred from Medical College Ambikapur to District Hospital Mahasamund by order dated 23.08.2019. It is stated that the petitioner was sent on deputation to Medical College Ambikapur (Medical Education) by order dated 24.11.2017 (Annexure P-2) and without the consent of the

parent department i.e. the Health and Family Welfare Department the transfer cannot be made by the Medical Education. It is further stated that as per Clause 1.5 of the policy of the State when a person is transferred from schedule area to non schedule area then in such case the reliever is must.

3. Perusal of the records would show that the petitioner was sent on deputation to medical College by Annexure P-2 dated 24.11.2017 and is appointed by the Health and Family Welfare Department and the transfer is subsequently made by the Medical Education Department dated 23.08.2019. Given aforesaid facts, the petitioner is given liberty to make a representation within 15 days before the Grievance Redressal Committee the same shall be decided within a period of 45 days from the date of receipt of a copy of this order.
4. In the meanwhile, if the transfer order of the petitioner has not been carried out till date, the same shall not be given effect to till the representation is decided.
5. With the aforesaid observation the petitions stands disposed of.

Sd/-

Goutam Bhaduri
Judge