

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 1496 of 2020**

Sitaram Sande S/o Late Ravilal Sande Aged About 52 Years R/o Government
 Ayurvedic Dispensary, Ama Khoha, District : Balodabazar-Bhathapara,
 Chhattisgarh **--- Petitioner**

Versus

1. State of Chhattisgarh through the Secretary Family and Health Ministry
 Mahanadi Bhawan Atal Nagar, District Raipur Chhattisgarh.
2. District Ayurvedic Officer Baloda Bazar District Balodabazar Bhatapara
 Chhattisgarh.
3. Parmeshwari Jaisawal posted as Pharmacist At Government, Ayurvedic
 Dispensary R/o Village Amakhoha District Balodabazar Bhatapara
 Chhattisgarh. **--- Respondent**

For the Petitioner	: Mr. Neelkanth Malviya, Advocate
For the State	: Mr. Kunal Das, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****04-03-2020**

1. This is second round of litigation. The petitioner has been transferred from
 Amakhoha Distt. Baloda Bazar to Kodegaon District Dhamtari which was
 subject of challenge in WPS No.7435 of 2019 wherein this Court on
 17.09.2019 has passed the following order :

“1. The challenge in the present writ petition is to
 the order Annexure P/1 dated 22.08.2019 whereby the
 services of the petitioner has been transferred from
 Aamakhoha District Boloda Bazar to Kodegaon, Distt.
 Dhamtari.

2. Without entering into the merits of the case,
 the counsel for the petitioner wants that the petitioner may
 be permitted to make a representation to the respondents
 raising the objections and grievances on his being
 transferred and the respondents in turn may decide the
 same as expeditiously as possible.

3. Not opposed.

4. Accordingly, the instant Writ petition stands

disposed off with liberty to the petitioner if he so chooses may prefer a detailed representation to the respondents, which in turn considering the fact that it is a case of transfer, the respondents may decide it as expeditiously as possible preferably within a period of 30 days from the date of receipt of the certified copy of this order.

5. Since the petitioner is being transferred on administrative ground of the State Government, the seniority and promotion of the petitioner under no circumstances shall be adversely affected than what he is enjoying at the present place of posting”.

2. Learned counsel for the petitioner submits that thereafter the representation having been made despite the fact that information from the department was sought for and it was awaiting without that being on record, the representation has been dismissed by order dated 18.10.2019. Therefore, there is no application of mind by respondent State and in order to accommodate respondent no.3 the petitioner has been transferred on the pretext of administrative exigency.
3. Learned State Counsel opposes the said argument.
4. Perused the documents. Earlier the petitioner has contended that if the transfer of the petitioner who is working as Pharmacist Ayurved is made, then his seniority would be affected. The order dated 28.01.2020 (Annexure P-) of the State shows that the post of Pharmacist Ayurved is divisional level and accordingly while transferring the petitioner and other persons, the post-wise list of Pharmacist Ayurved was issued in divisional level wherein the current place of posting and present place of posting are under the jurisdiction of same division i.e., Raipur Division, therefore, the seniority of the petitioner shall not be affected.
5. During the course of argument, it has also been submitted that the petitioner is working at the place since 2012. Taking into consideration such fact as also the stand of the State that the petitioner's seniority would not be effected, I do not find any reason to interfere in the order of rejection of representation. The petition is dismissed.

**Sd/-
GOUTAM BHADURI
JUDGE**