

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3243 of 2020

- Rakesh Kumar Sahu S/o Ramdas Sahu, Aged About 33 Years Working As Rural And Health Organizer, And Posted At Sub Health Centre Andi, Dongargarh, District Rajnandgaon Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Health And Family Welfare Development, Mahanadi Bhawan, Mantralaya, Atal Nagar, New Raipur, District Raipur Chhattisgarh
2. Collector Rajnandgaon, District Rajnandgaon Chhattisgarh
3. Chief Medical And Health Officer Rajnandgaon, District Rajnandgaon Chhattisgarh,

---- Respondents

For Petitioner	:	Mr. Ajay Shrivastava, Advocate
For State	:	Mr. Amrito Das, Addl. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/08/2020

1. Heard
2. Learned counsel for the petitioner submits that the petitioner was transferred by an order dated 23.08.2019 from Sub Health Centre Korva Block-Berla Distt.-Bemetara (C.G.) to Sub Health Centre Andi Distt.-Rajnandgaon. He further submits that the petitioner has made an application to transfer him either at Sub Health Centre Shergarh or Sub Health Centre Bhandarpur or Sub Health Centre Saloni, therefore instead of the aforementioned places, he was transferred to Sub Health Centre Andi Distt.-Rajnandgaon by Annexure P/4 dated 23.08.2019. Subsequently, the transfer order of the petitioner

has been canceled and he has been sent back to Sub Health Centre Korva Block-Berla Distt.-Bemetara (C.G.) by order dated 27.06.2020 (Annexure P/1) wherein he was initially posted. He would submit that the petitioner initially had wanted his place of transfer at three other places other than Sub Health Centre Andi Distt.-Rajnandgaon, and the petitioner since has already executed the earlier transfer order and joined at Sub Health Centre Andi Distt.-Rajnandgaon, therefore the cancellation of the transfer would be illegal and would cause prejudice.

3. Learned State counsel opposes the submission made by learned counsel for the petitioner and submits that since the petitioner himself has made a representation, therefore his transfer from Sub Health Centre Korva Block-Berla Distt.-Bemetara (C.G.) to Sub Health Centre Andi Distt.-Rajnandgaon was canceled.
4. Perused the documents. The perusal of the documents shows that the petitioner has initially claimed for three places i.e. Sub Health Centre Shergarh or Sub Health Centre Bhandarpur or Sub Health Centre Saloni which are in the same District Bemetara on different grounds. However, the petitioner was transferred to Sub Health Centre Andi Distt.-Rajnandgaon, he joined there and again made a representation and the earlier transfer order was canceled (Annexure P/1) on 27.06.2020. The petitioner having executed the transfer order dated 28.08.2019 and has joined at Sub Health Centre Andi Distt.-Rajnandgaon, therefore the cancellation of the transfer order of the petitioner on the basis of the representation primarily shows that it would cause serious prejudice to the

petitioner and also amount to frequent transfer to the place other than the choice of the petitioner for which he made a representation. Since the transfer order having been executed, the petitioner therefore is given a liberty to make a representation to the Secretary, Department of Health and Family Welfare Development within a period of three weeks who in-turn shall decide the representation of the petitioner within a further period of 90 days. Till then, the order dated 27.06.2020 (Annexure P/1) may not be given effect to.

5. With the aforesaid observation/ direction, the writ petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge