

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3254 of 2020**

- Dr. Khursheed Khan S/o Late Shri A.U. Khan Aged About 49 Years Occupation Service, Presently Posted As In-Charge Primary Health Center Bayasi, Thana And Tehsil-Dharamjaygarh, District Raigarh, Chhattisgarh. ---- **Petitioner**

Versus

- State Of Chhattisgarh Through The Secretary Health Department Mantralaya Mahanadi Bhawan, Capital Complex, Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh.
- Collector Raigarh District Raigarh, Chhattisgarh.
- Chief Medical And Health Officer Raigarh District Raigarh, Chhattisgarh.
- District Ayurved Officer Raigarh Panjari Plant, Collectorate Road Raigarh, District Raigarh, Chhattisgarh.
- Block Medical Officer Vijaynagar Head Office Dharamjaygarh, District Raigarh, Chhattisgarh. ---- **Respondents**

For Petitioner	:	Mr. Sunil Sahu, Advocate.
For State	:	Ms. Richa Shukla, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order****24-08-2020**

1. Heard.
2. Learned counsel for the petitioner would submit that the petitioner was initially appointed on contract basis vide order dated 11/19/3/2003 passed by the Chief Municipal Officer,

Janpad Panchayat Dharamjaygarh (Annexure P/3) and from 2003 services of the petitioner were extended from time to time and last it was extended on 8-7-2020 till 31-3-2021. It is contended that the services of the petitioner were directed to be availed 3 days at Dharamjaygarh Hospital and 3 days at Primary Health Centre, Bayasi, which was passed by the Block Medical Officer. Subsequently, the impugned order dated 23-7-2020 (Annexure P/1) has been passed whereby the petitioner has been asked to perform his duties at Primary Health Centre, Bayasi instead of civil hospital at Dharamjaygarh. He would further submit that initially since the services of the petitioner were directed to be availed at Dharamjayagarh, his services would be needed much more at Dharamjayagarh. He would further submit that under the circumstances, the petitioner may be given liberty to file a fresh representation before the Collector, Raigarh / respondent No.2 who shall consider and decide the same within the stipulated time.

3. On the other hand, learned State counsel opposes the arguments and would submit that the State would be the better position to decide the requirement of a particular person where he should be posted.
4. Perusal of the documents would show that initially the petitioner was asked to perform his duties at Dharamjayagarh hospital and thereafter by impugned order he has been asked

to perform his days 3 days at Dharamjayagarh hospital and three days at Primary Health Centre, Bayasi.

5. Considering the limited prayer made by the petitioner that the the petitioner may be given liberty to make a fresh representation before the Collector, Raigarh /respondent No.2, it is directed that the petitioner shall be at liberty to make a fresh representation before the respondent No.2/Collector, Raigarh within a period of three weeks and on such representation being filed, the respondent No.2/Collector, Raigarh shall consider and decide the same within a further period of two months, according to the administrative exigency.
6. With the aforesaid observation/direction and without making any observation on the merits of the case, the writ petition stands disposed of.

Sd/-

(Goutam Bhaduri)
Judge

Raju