

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3975 of 2020**

Dr. Santosh Patel, S/o. Parmanand Patel, Aged About 43 Years, Medical Officer At Community Health Center Malkharoda, Tehsil Malkharoda, District - Janjgir Champa (Chhattisgarh).

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through Secretary, Department Of Health And Family Welfare, Mahanadi Bhawan, Mantralaya, New Raipur (Chhattisgarh).
2. Chief Medical And Health Officer Janjgir Champa, District - Janjgir Champa (Chhattisgarh).
3. Chief Medical And Health Officer Gariyaband, District - Gariyaband (Chhattisgarh).

---- Respondents

For Petitioner : Mr. Kamal Kishor Patel, Advocate

For Respondents/State : Ms. Akanksha Jain, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**ORDER****14.10.2020**

Heard

1. Learned counsel for the petitioner would submit that the petitioner has been transferred from Primary Health Centre Malkharoda, District Janjgir-Champa to District Hospital Gariyaband by order dated 23.09.2020 (Annexure P-1). It is stated that the petitioner was posted at Malkharouda on 09.09.2019 and within a short span of time, the petitioner has been transferred again, which would be frequent transfer. It is further submitted that the wife of the petitioner was posted at Janjgir-Champa by order dated 21.08.2019 (Annexure P-2) and as per the policy of the State wherein the husband & wife are kept together, however, by the impugned transfer, the earlier transfer of the petitioner's wife which was pursuant to the policy is being defeated and apart from that, the petitioner is subjected to frequent transfer.

2. State counsel opposes the argument.
3. Perused the documents. Perusal of the documents show that the petitioner was transferred at Malkharoda, District Janjgir-Champa on 09.09.2019 (Annexure P-3) and again within a short span of time he has been transferred and the wife of the petitioner has been posted at Janjgir-Champa by order dated 21.08.2019 (Annexure P-2). Considering the same, the petitioner is given liberty to make a representation before the respondent No.1 within a period of 3 weeks, which shall be decided within a further period of 60 days from the date of representation. Till then, the transfer order dated 23.09.2020 (Annexure P-1) in respect of the petitioner shall not be given effect to.
4. With the aforesaid observation, the writ petition stands disposed of.

Aks

Sd/-
Goutam Bhaduri
Judge