

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4035 of 2020**

- Dr. Surendra Kumar Meshram S/o Late Shri C.R. Meshram Aged About 56 Years Working As Ayurved Medical Officer, Govt. Ayurved Hospital , Baghera, District Rajnandgaon Chhattisgarh. Resident Of Shristy Colony , Kamla College Road No. 45, Rajnandgaon , District Rajnandgaon Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Health And Family Welfare Department , Mantralaya, Mahanadi Bhawan, Nawa Raipur Chhattisgarh.
2. The Deputy Secretary Government Of Chhattisgarh, Health And Family Welfare Department, Mantralaya , Mahanadi Bhawan, Nawa Raipur Chhattisgarh.
3. The Director Ayurved, Yog And Natural Medical Yunani Siddha And Homeopathy (Ayush), Raipur Chhattisgarh.
4. The District Ayurved Officer District Rajnandgaon, District Rajnandgaon Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Kapil Maini Advocate
For State	:	Ms. Sunita Jain, G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order****12.10.2020**

1. Heard.
2. Learned counsel for the petitioner would submit that the petitioner has been transferred from Govt. Ayurved Hospital, Baghera, District Rajnandgaon to Specialty Clinic Community Health Center, Bhairamgarh, District Bijapur which is a core scheduled area on 15.09.2020. He further submits that Clause 1.5 of the policy of the State government purports that persons who have attained age more than 55 years should not be posted to core scheduled area. He further submits that the wife of the petitioner is also working at Rajnandgaon and as per the policy of the state husband and wife are normally to be kept at the same place. Therefore, the transfer of the petitioner may be stayed.

3. Learned State counsel opposes the argument and would submit that the petitioner is posted at Rajnandgaon from 2008, therefore due to administrative exigency he has been transferred.
4. Heard learned counsel for the parties and perused the documents.
5. Perusal of Clause 1.5 shows that normally persons above 55 years are not to be posted at core scheduled area and Bijapur appears to be a core scheduled area, therefore under the circumstances, the petitioner is given a liberty to make a representation before Respondent No. 2 within a period of 3 weeks. Thereafter, if such representation is made, Respondent No. 2 is directed to decide the same within a further period of 45 days from the date of receipt of a copy of the representation.
6. In the meanwhile, till the representation of the petitioner is decided the transfer order dated 15.09.2020 (Annexure P-1) in respect of the petitioner shall not be given effect to.
7. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-

(Goutam Bhaduri)
Judge