NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.4154 of 2020

- Dr. Ravikant Das, S/o Shri Khelan Das, Aged About 47 Years, Posted as Professor, Orthopedics Department, Government Medical College, Ambikapur, Sarguja, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh, through Secretary, Medical Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, Chhattisgarh

2. Director, Directorate of Medical Education, Old Nurses Hostel, D. K.S. Bhawan, Raipur Chhattisgarh, District : Raipur, Chhattisgarh

3. Chhattisgarh Dean, Government Medical College, Ambikapur, Sarguja, Chhattisgarh

---- Respondents

For Petitioner Ms. Aditi Singhvi, Advocate
For Respondent-State Ms. Sunita Jain, GA

Hon'ble Justice Shri Goutam Bhaduri

Order On Board

19/10/2020

1. Learned counsel for the petitioner submits that the petitioner, who is an Orthopedic Surgeon, was posted in the Government Medical College, Ambikapur, District Sarguja on 12.08.2017. It is contended that he has served more than 3 years in the scheduled area and as per Clause 1.3 of the Transfer Policy, the person, who has served 3 years in the scheduled area, is considered to be posted in the non

scheduled area. It is further contended that the persons, who are placed in the non scheduled area in the department wherein the petitioner is placed, are not being placed in the scheduled area for atleast 15-20 years. Therefore, the petitioner has made a representation dated 06.06.2020 & 01.07.2020 (Annexure-P-3) to the respondent No.1, however, the respondent No.2 raised objection regarding transfer of the petitioner vide letter dated 18.06.2020 (Annexure-P-4).

2. I have heard learned counsel for the parties and perused the documents. Clause 1.3 of the Transfer Policy reads as under:-

> 1.3 प्रथम नियुक्ति के समय अधिकारियों/कर्मचारियों को दुर्गम अनुसूचित क्षेत्र में कम से कम दो वर्ष के लिए अथवा सामान्य अनुसूचित क्षेत्रों के अन्य जिलों/विकासखण्डों में कम से कम तीन वर्ष के लिए पदस्थ किया जाए। निर्धारित अवधि के पश्चात् उनका स्थानान्तरण गैर अनुसूचित क्षेत्र में किया जाए। उनके स्थान पर अन्य अधिकारियों /कर्मचारियों की पदस्थापना के लिए प्रशासकीय विभाग द्वारा रोटेशन प्रणाली निर्धारित की जाए। यदि अनुसूचित क्षेत्र में पदस्थ कोई अधिकारी/ कर्मचारी निर्धारित कार्यकाल पूर्ण होने के पश्चात् भी यथावत उसी स्थान पर पदस्थ रहना चाहे, तो उसे निर्धारित कार्यकाल की समाप्ति के पूर्व इस संबंध में अपने विभागाध्यक्ष से लिखित में अनुरोध करना होगा। उसके अनुरोध पर विभागाध्यक्ष द्वारा यथोचित निर्णय लिया जाएगा।

The reading of the aforesaid policy purports that the person after rendering his services in the scheduled area for 3 years is considered to be posted in the non scheduled area.

3. Accordingly, it is directed to the respondent Nos.1 & 2 to decide the representation of the petitioner dated 06.06.2020 & 01.07.2020 (Annexure-P-3) in terms of the Transfer Policy. The respondent Nos.1 & 2 shall decide the representation of the petitioner within a period of 4 months from the date of receipt of this order.

4. Learned State counsel is directed to not object to the facts for decision of the representation.

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

Sd/-
Goutam Bhaduri
Judge

Nirala