

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4299 of 2020**

Dr. Y.K. Tiwari S/o Narayan Prasad Tiwari Aged About 63 Years Posted As Medical Officer At District Hospital Rajnandgaon (C.G.) R/o Kunj Vihar Colony, MIG-11, Kamla College Road, Kaurinbhatha, Rajnandgaon, District Rajnandgaon Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through Secretary, Health And Family Welfare Department, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur District Raipur Chhattisgarh
2. Special Secretary, State Of Chhattisgarh, Health And Family Welfare Department, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur District Raipur Chhattisgarh
3. Civil Surgeon Cum Chief Hospital Superintendent, District Hospital Rajnandgaon District Rajnandgaon Chhattisgarh

---- Respondents

For Petitioner : Shri Praveen Dhurandhar, Advocate.

For Respondents/State : Smt. Richa Shukla, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri**ORDER****28/10/2020**

Heard.

1. Learned counsel for the petitioner submits that the petitioner has been transferred by order dated 23/09/2020 from District Hospital, Rajnandgaon to District Hospital, Kanker on the administrative ground. It is further contended that date of birth of the petitioner is 1/06/1957 and on attaining the age of 65 years he would superannuate on 31/05/2022, thereby one year and seven months is only left for retirement of the petitioner and at the fag end of the service the petitioner

has been transferred. He would submit that the transfer at the fag end of service will seriously affect the calculation of retiral dues, therefore transfer of the petitioner may be cancelled.

2. Learned State counsel opposes the argument and would submit that there is one year and seven months left for the petitioner to be superannuated, therefore it cannot be said that the transfer is at the fag end of the service.

3. Be that as it may, taking into the age of the petitioner he is more than 63 years of age, though he is left with one year and seven months of service, taking into aspect age of the petitioner, petitioner is given liberty to make a representation before the respondent No.2 within a period of three weeks from today. If such representation is filed, same may be decided within a further period of 45 days. Till then the transfer order dated 23/09/2020 in respect of the petitioner shall not be given effect to.

4. With such observation, the petition stands disposed of.

Sd/-
(Goutam Bhaduri)

Judge