HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4293 of 2020

- Yogendra Kumar Sonteke S/o Late Lal Das Sonteke Aged About 46 Years Working As Pharmacist Ayurved, Govt. Ayurved Hospital, Kumhar-Sadra, District- Bastar, 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 District Ayurved Medical Officer District- Bastar, District- Bastar, Chhattisgarh

---- Respondents

For Petitioners	:	Shri Goutam Khetrapal, Advocate
For State	:	Ms. Sunita Jain, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

28.10.2020

Heard.

1. Learned counsel for the petitioner would submit that the petitioner has been transferred from Govt. Ayurved Hospital, Kumhar-Sadra, District Bastar to Primary Health Center, Kutru, District Bijapur. He would further submit that the petitioner was appointed in the year 2013 and posted at Govt. Ayurved Hospital, Kumhar-Sadra, District Bastar and he has already served for more than 7 years at Kumhar-Sadra, District Bastar, which is a scheduled area and again the petitioner has been transferred to core-scheduled area i.e. Bijapur. He would further submit that the instant transfer is against the transfer policy of the State, which mandates that after rendering services in the scheduled area, the person is required to be posted outside the scheduled area, whereas the petitioner has again been posted in the core-scheduled area, therefore, the transfer of the petitioner

may be canceled.

2. Per contra, learned State counsel opposes the arguments.

3. 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 स्थानांतरण 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।"

4. After perusal of the documents it appears that the petitioner has served for more than 7 years in the scheduled area, taking into such fact the petitioner is given liberty to make a representation before the respondent No.2 within a period of three weeks from today against the transfer ventilating all the grievances and if such representation is filed, the respondent No.2 in turn shall decide the same within a period of 45 days from the date of receipt of the representation.

5. 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.

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

Sd/-
Goutam Bhaduri
Judge

Jyoti