

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4388 of 2020**

- Dr. Umakant Tiwari S/o D.N. Tiwari, Aged About 61 Years Posted At Community Health Centre, Baloda District Janjgir Champa Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Health And Family Welfare, Mahanadi Bhavan, Mantralaya, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh
2. Director Health Services, Indrawati Bhawan, 3rd Floor, Naya Raipur, District Raipur Chhattisgarh
3. Collector, District Janjgir Champa Chhattisgarh
4. Chief Medical Health Officer, District Janjgir Champa Chhattisgarh.
5. Dr. Shrikesh Gupta, Posted As Incharge Block Medical Officer, Community Health Centre, Baloda, District Janjgir Champa Chhattisgarh

---- Respondents

For Petitioner	:	Shri Rohit Sharma, Advocate
For State	:	Shri Amrito Das, Addl A.G.

Hon'ble Shri Justice Goutam Bhaduri**Order****06.11.2020**

Heard

1. Learned counsel for the petitioner would submit that despite the fact that the petitioner is senior to Respondent No. 5, Respondent No. 5 has been appointed as incharge, Block Medical Officer which is contrary to the circular of the State issued from time to time i.e. from 23.07.2008 till 13.09.2013 (Annexure P-1) which purports that junior cannot be placed by by-passing the senior as incharge of a office in higher post. Therefore, under the circumstances since Respondent No. 5 was handed over the charge on 19.08.2019, the petitioner has made several representation to the

State including the Director, Health Services (Respondent No. 2). He further refers to Annexure P-7 which was lastly filed on 15.09.2020 and would pray that the same may be decided within a stipulated time in pursuant to the circular issued by the State.

2. Considering the submission made the petitioner is given the liberty to make a fresh representation to Respondent No. 2 within 3 weeks from today ventilating all the grievances and the petitioner shall be free to attach all the circulars on which he placed his reliance. If such representation is filed, Respondent No. 2 is directed to decide the same within a period of 60 days from the date of receipt of a copy of the representation in terms of the circular of the State issued from time to time.
3. With the aforesaid observation, the petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge

Jyoti