

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 4580 of 2020**

Dr. Dinesh Kumar Soni S/o Shri Naresh Soni Aged About 36 Years
Working As Homeopathy Medical Officer, Govt. Homeopathy Hospital,
Manpur, District Rajnandgaon Chhattisgarh

---- Petitioner**Versus**

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

---- Respondents

For Petitioner	:	Mr. Rahul K. Mishra, Advocate
For State	:	Ms. Akanksha Jain, Dy. G.A._

Hon'ble Shri Justice P. Sam Koshy**Order on Board****01/12/2020**

1. The challenge in the present writ petition is to the order of transfer dated 15.09.2020, whereby the petitioner has been transferred from Govt. Homeopathy Hospital, Manpur, District Rajnandgaon to Community Health Centre, Usur, District Bijapur.
2. The primary contention of the petitioner is that he has been appointed only on 02.08.2018 under the respondents and he is still working as a probationer and his services are yet to be confirmed. The respondents now during the probation period itself have transferred the petitioner from Rajnandgaon to Bijapur.
3. According to the petitioner, the said act of the respondents in transferring the petitioner during the probation period was not

permissible. It was the further contention of the petitioner that the he is being transferred from one core area to another core area, whereas the Committee ought to have considered, whether the transfer policy does not permit the same. Meanwhile, the State Government itself has issued circular not to issue transfer order unless there is grave exigency in service or there is a strong case made on request for transfer.

4. Given the aforesaid facts and circumstances of the case, this Court is of the opinion that the order of transfer so far as the petitioner is concerned, needs reconsideration in terms of the circulars and the service regulations governing the field. Accordingly, the writ petition stands disposed of at this juncture directing the petitioner to move a representation to the respondent No.1 against the order of transfer within a period of 10 days from today and the respondents in turn shall duly consider the representation of the petitioner in accordance with Rules, Regulations, Policy and the Guidelines governing the field. It has been stated that there is no replacement made by the authorities so far as the petitioner's place of posting is concerned.
5. Till the representation of the petitioner is decided by the respondents, there shall be a stay of the effect and operation of the impugned order so far as the petitioner is concerned unless the same is implemented.
6. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge