

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 10705 of 2019

- Nutan Kumar Sahu, S/o Biselal Sahu Aged About 35 Years, Pharmacist Grade II Community Health Centre Aarang, District Raipur, Chhattisgarh.

---- Petitioner

Versus

1. The State Of Chhattisgarh Through Secretary, Department Of Health And Family Welfare, Mantralaya Mahandi Bhawan, Naya Raipur, Atal Nagar, Raipur, District Raipur, Chhattisgarh
2. District Collector District Raipur, Chhattisgarh.
3. Chief Medical Officer Raipur, District Raipur, Chhattisgarh.

--- Respondents

For the Petitioner : Mr. Sudeep Johri, Advocate.

For the Respondents : Mr. Kunal Das, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.01.2020

Heard.

1. The grievance of the petitioner is that the petitioner was working as Pharmacist Grade-II and has been transferred from Community Health Centre, Aarang to Community Health Centre, Dharsiva by order dated 12.07.2019 passed by the Collector. It is contended that the petitioner services belong to Health Department and the Collector do not have the authority to transfer him. It is further contended that the petitioner has met with an accident and as such he is unable to drive the vehicle and is completely dependent on his wife and children. He further refers to the medical document (Annexure P-3) and would submit that he is suffering with some disorder. He further submits that the transfer order itself purports that the petitioner against the transfer can prefer a

representation before the Grievance Redressal Committee. It is contended that the petitioner preferred a representation to the Grievance Redressal Committee (Annexure P-4) and was sent to the Collector which hold the recommendation of the concern minister for cancellation of the transfer order. However the same is not being decided and the petitioner has been issued the show cause as to why disciplinary proceedings may not be initiated against him. Consequently, the transfer of the petitioner on the medical ground may be cancelled.

2. Perused the document and perusal of the documents would show that the petitioner has placed certain medical document and has also preferred a representation on the medical ground the he is unable to drive and is dependent on his wife and children. Annexure P-4 also endorse the recommendation of the Minister for cancellation of the transfer. Be that as it may. Considering the same the petitioner is given liberty to file a fresh representation before the Grievance Redressal Committee within 2 weeks from today and the same shall be decided by the Committee within a further period of 45 days from the date of receipt of a copy of this order till then the transfer order of the petitioner may not be given effect to and the petitioner shall not be subjected to any coercive action.
3. With the aforesaid observation, the petition stands disposed of.

Sd/-
(GOUTAM BHADURI)
JUDGE