

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 6 of 2021**

(Arising out of order dated 17.12.2020 passed by learned Single Judge in WPS No.5326/2020)

- Sushil Kumar Sahu, S/o Late Shri Bhushan Lal Sahu, aged about 42 years, Working as Pharmacist, Primary Health Center, Sureli, District North Bastar Kanker (CG)

---- Appellant/Petitioner**Versus**

1. State of Chhattisgarh, through the Secretary, Health and Family Welfare Department, Mantralaya, Mahanadi Bhawan, Nawa Raipur (CG)
2. The Deputy Secretary, Government of Chhattisgarh, Health and Family Welfare Department, Mantralaya, Mahanadi Bhawan, Nawa Raipur (CG)
3. The District Ayurved Medical Officer, District North Bastar Kanker (CG)

---- Respondents

For Appellant	:	Mr. Gautam Khetrapal, Advocate
For Respondents	:	Mr. Siddharth Dubey, Dy. Govt. Advocate

Hon'ble Shri PR Ramachandra Menon, CJ**Hon'ble Shri Parth Prateem Sahu, J****Order On Board****Per PR Ramachandra Menon, CJ****08.1.2021**

1. Interference declined by the learned Single Judge with regard to the order of transfer of appellant from the Primary Health Centre, Bande-10, North Bastar Kanker to the Government Ayurved Hospital, Awapalli, District Bijapur, is brought up for consideration before this Court in this appeal.
2. Heard Mr. Gautam Khetrapal, learned counsel for appellant as well as Mr. Siddharth Dubey, Deputy Government Advocate

representing the State.

3. Learned counsel for the appellant submits that appellant was serving as 'Pharmacist Ayurved' at the Primary Health Centre, Bande-10, District North Bastar Kanker, which is a 'scheduled area', as borne by the Circular dated 3.6.2015 (Annexure P-3 to writ petition), for the past nearly eight years. All of a sudden, the appellant has been transferred from the said place to a 'core scheduled area' i.e. Bijapur, as per Annexure A-2 order, which is contrary to the norms, rules and guidelines issued by the State in this regard. Learned Counsel makes a specific reference to Annexure P-3 to writ petition to show that Bijapur is a place listed at Sr. No.4 in the list of core scheduled areas, whereas Kanker is listed at Sr. No.11 of Schedule-II, which relates to scheduled areas. Learned Single Judge while declining interference with regard to transfer has further permitted the petitioner/appellant to make a representation before the Competent Authority and to have it considered at the earliest. Learned Counsel submits that representation has already been preferred and the same is pending, adding that appellant is still serving the government at the Primary Health Centre, Bande-10, North Bastar Kanker, having not been relieved so far.
4. Mr. Siddharth Dubey, learned State Counsel submits that the representation submitted by appellant would be considered and finalized in accordance with law as expeditiously as possible, as ordered by the learned Single Judge.

5. In the above circumstance, we dispose off this writ appeal, without commenting anything on merits but for observing that representation submitted by appellant shall be considered and finalized by the Competent Authority as expeditiously as possible by passing appropriate orders in accordance with law. 'Status Quo', as on date, with respect to posting of petitioner / appellant shall be maintained till such time. Appellant is required to produce a copy of this order along with memorandum of appeal & writ petition with all annexures and supplementary representation, if any, before the respondent authority concerned for consideration.

Sd/-
(P. Ramchandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-