

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 671 of 2021**

Dr. Santosh Patel, S/o Parmanand Patel, Aged About 43 years,
 Medical Officer at Community Health Center Malkharoda, Tehsil
 Malkharoda, District Janjgir-Champa, Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh, Through Secretary, Department of Health
 And Family Welfare, Mahanadi Bhawan, Mantralaya, New
 Raipur, Chhattisgarh.
2. Chief Medical and Health Officer, Janjgir-Champa, District
 Janjgir-Champa, Chhattisgarh.
3. Chief Medical and Health Officer, Gariyaband, District
 Gariyaband, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Gajendra Singh, Advocate.
For State/Respondents	:	Ms. Hamida Siddiqui, Dy. A. G.

Hon'ble Shri Justice P. Sam Koshy, J**Order On Board****18.02.2021**

1. The present is a second round of litigation, the earlier on the
 litigation was in WPS No.3975/2020 which was decided on
 14.10.2020. The issue involved in the writ petition is the
 transferring of the petitioner from the Community Health Centre

Malkharoda, District Janjgir-Champa to District Hospital, Gariyaband.

2. This Court at the first instance when the earlier writ petition filed by the petitioner was disposed of permitting the petitioner to make representation and till the representation was decided, the Court has also granted an interim protection, so far as the effect and operation of the order of the transfer dated 23.09.2020. The Petitioner thereafter is said to have again made a representation to the Authorities concerned and the said representation also stood rejected vide the impugned order dated 22.12.2020. The representation stands rejected, and which has led to filing of the present writ petition.
3. From perusal of the contents of the decision of the respondents in the impugned order, it clearly reflects that the authorities on due consideration have found that the order has been made on the administrative expediency and considering the need of doctors at the present transferred place of posting and it was thereafter on due consideration, the representation was rejected. Given the facts that the Respondents have duly considered the representation of the petitioner and have rejected the same. This Court does not find any strong case made out calling for any interference to the impugned order at this stage, particularly exercising the power of judicial under Article 226 of the Constitution of India.
4. At this juncture the learned counsel for the Petitioner submits that he has not been paid the salary from the date he was transferred till date inspite of there being an interim protection.

The Petitioner is directed to approach the Respondent No.2 in this regard by way of a suitable representation and the Authority shall consider whether he has discharged his duties during the said period of work and in case he has discharged his duties to Respondent No.2 to ensure that the salary payable to the petitioner is released at the earliest without any further delay.

Sd/-
(P. Sam Koshy)
Judge

Deepti Jha