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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 103 of 2021**

(Arising out of order dated 01.03.2021 passed in Writ Petition (S) No.756 of 2021 by the learned Single Judge)

Khikhram Pradhan S/o Late Sunderlal Pradhan, Aged About 58 Years Working As Pharmacist Ayurved, Govt. Ayurved Hospital, Chingpal, District Bastar (Jagdalpur), Chhattisgarh.

---- Appellant**Versus**

1. State of Chhattisgarh Through The Secretary, Health And Family Welfare Department, Mantralaya, Atal Nagar, Raipur, District Raipur Chhattisgarh.
2. The Under Secretary, Health And Family Welfare Department, Mantralaya, Atal Nagar, Raipur, District Raipur Chhattisgarh.
3. The Deputy Secretary, Department Of Health And Family Welfare, Mantralaya, Atal Nagar, Raipur, District Raipur Chhattisgarh.
4. The District Ayurved Medical Officer, District Bastar Chhattisgarh.

---- Respondents

For Appellant	: Mr. Goutam Khetrapal, Advocate.
For Respondents	: Shri Sudeep Agrawal, Deputy Advocate General.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice
Hon'ble Shri Justice Narendra Kumar Vyas, Judge

Judgment on Board**Per P. R. Ramachandra Menon, Chief Justice****24.03.2021**

1. Challenge is against the interference declined by the learned Single Judge with reference to the order of transfer Annexure P/2 dated 15.09.2020, and the subsequent order dated 02.01.2021 (Annexure P/1) whereby the representation of the Appellant against the transfer was rejected by the 1st Respondent.
2. Heard, Shri Goutam Khetrapal, the learned counsel appearing for the Appellant and Shri Sudeep Agrawal, the learned counsel representing the State at length.

3. The sequence of events reveals that the Appellant, working as a Pharmacist in the Government Ayurved Hospital at Chingpal in the District-Bastar was transferred out as per Annexure P/2 order, which was subjected to challenge by filing Writ Petition (S) No.4199 of 2020; contending that, it was without any administrative exigency. The said matter was disposed of directing the competent authority to have the representation (to be preferred by the Appellant) be considered. Pursuant to the said direction, the representation was considered and was rejected as per Annexure P/1 order dated 02.01.2021, which made the Appellant to approach this Court again by filing Writ Petition (S) No. 756 of 2021. The case of the Appellant was considered and the learned Judge observed that, no relief, as prayed for, could be granted in view of the fact that the Appellant has already been continuing in the same place for about 19 years and has been virtually shifted to a nearby station, though it again happened to be a core scheduled area. The contention of the Appellant was that he has already served in a core schedule area for quite a long time, and as such, he could not have been sent out to such area, which is contrary to the transfer norms. In the said circumstance, the learned Single Judge observed that if the grievance of the Writ Petitioner was against the transfer to a core scheduled area again, the Writ Petitioner would be at liberty to file a representation for transfer to non-scheduled area and it was accordingly that, the matter was finalized making observations as given in paragraph-12 in the following terms :

“12. However, the dismissal of the present Writ Petition would not preclude the Petitioner from approaching the State authorities by way of a fresh representation seeking for a suitable place of posting to a Non-scheduled Area in accordance with the policy of the State

Government and which if made, the authorities shall consider and decide the same on its own merits in accordance with the policy governing the field.”

4. Shri Khetrpal submits that the direction given by the learned Single Judge in paragraph-12 might be caused to be finalized within a time frame so that the Appellant could minimize the hardship in all respects.
5. It is stated that the Appellant would file a representation as directed by the learned Single Judge within two weeks' from today. Under such circumstance, the representation of the Appellant shall be considered and finalized by the competent authority of the 1st Respondent as expeditiously as possible, at any rate within 'one month' from the date of receipt of representation as above. The writ appeal stands disposed of.
6. It shall be for the Appellant to produced a copy of a judgment along with a copy of the writ appeal and memorandum of writ petition along with a copy of the judgment passed by learned Single Judge before the 1st respondent for further steps.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Narendra Kumar Vyas)
Judge

Anu