

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Appeal No. 108 of 2021

(Arising out of order dated 10.03.2021 passed by the learned Single Judge in WPS No. 1425/2021)

- Dr. Arvind Marabi S/o Shri H.S. Marabi Aged About 41 Years District Ayurved Officer, R/o House No. 10, Jeevan B Colony, Kaureenbhata, Ward No. 10, Rajnandgaon, District Rajnandgaon Chhattisgarh.

---- Appellant

Versus

1. State of Chhattisgarh Through Secretary, Department of Health and Family Welfare, Mantralaya, Mahanadi Bhawan, Nawa Raipur, District Raipur Chhattisgarh.
2. The Under Secretary, Department of Health and Family Welfare, Mantralaya, Naya Raipur, District Raipur Chhattisgarh.
3. Director, Directorate of Ayurved, Yog Evam Prakratik Chikitsa, Yunani, Siddha and Homeopathy (Ayush), Chhattisgarh, D.K.S. Premises, Raipur, District Raipur Chhattisgarh.

---- Respondents

For Appellant : Mr. B.D. Guru and Mr. S.S. Baghel, Advocate
For Respondents /State : Mr. Sudeep Agrawal, Deputy Advocate General

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice

Hon'ble Shri Narendra Kumar Vyas, Judge

Judgment on Board

Per, P. R. Ramachandra Menon, Chief Justice

24.03.2021

1. Transfer of the Petitioner, who is holding the post of District Ayurved Officer, Rajnandgaon, from Rajnandgaon to District Bijapur as per Annexure-P/1 order dated 09.02.2021 was put to challenge in WPS No. 1425 of 2021. The case of the Appellant / Petitioner is that the transfer was not based on any administrative ground, but on the basis of some complaints raised on the basis of false allegation. It is also pointed out that the Petitioner was posted at the place where he was working, only from 17.09.2018; that he was having various hardships

and inconvenience by virtue of an accident suffered by him, fixing screws on both his legs and that he was finding it extremely difficult to move out to the present place of transfer which is stated as situated about 360 kms. away.

2. The learned Deputy Advocate General appearing on behalf of the Respondents sought to justify the transfer referring to the administrative circumstances; adding that there is no vested right for the Appellant, who is holding a transferable post, to continue in a particular place. The learned counsel also submits that the learned Single Judge has permitted the Appellant to file a representation and to have it considered on merits as specified therein.
3. The operative portion of the said judgment as contained in paragraph 7 is to the following effect :

7. Considering the age of the petitioner and also taking note of the fact that for the last almost 6-7 years the petitioner has been working in an around Raipur, Durg and Rajnandgaon, this Court does not find any strong case made out calling for an interference with the impugned order of transfer. However, liberty is open to the petitioner to make a representation to the respondents No. 1 & 2 seeking for a change/modification/amendment to the order of transfer and on such representation being made, the respondent authorities are expected to take a decision.”

4. Considering the facts and circumstances, we do not find it as a fit case to cause interference with the verdict passed by the learned Single Judge, but for making it clear that the representation shall be considered and finalized as expeditiously as possible, at any rate, within one month from the date of receipt of a copy of this judgment.

The '*status quo*' as on date shall be maintained till the matter is finalised as above. The Appellant is required to produce a copy of this judgment along with a copy of the writ appeal before the Respondents No.1 for further steps.

5. With the aforesaid observation, the writ appeal stands disposed of.

Sd/-
(P.R. Ramachandra Menon)
Chief Justice

Sd/-
(Narendra Kumar Vyas)
Judge