

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 3461 of 2021

1. Dr. Arvind Sharma S/o Shri D. R. Sharma Aged About 57 Years Working As Homeopathy Medical Officer, Directorate Ayush, Raipur District Raipur Chhattisgarh

---Petitioner(s)

Versus

1. State of Chhattisgarh Through Principal Secretary, Health and Family Welfare Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur District Raipur Chhattisgarh
2. Director Directorate Ayush, Raipur District Raipur Chhattisgarh
3. Dr. Surendra Chandrakar Homeopathy Medical Officer, Presently Incharge Assistant Director (Homeopathy), Directorate Ayush, Raipur District Raipur Chhattisgarh

---Respondents

For Petitioner	:	Shri CJK Rao, Advocate.
For Respondent State	:	Shri Suyash Dhar, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

12.07.2021

1. The grievances of the petitioner seems to be handing over charge of the post of Assistant Director at the Directorate of Ayush to the respondent No.3.
2. According to the petitioner, he is senior to the respondent No.3 and both the petitioner as also the respondent No.3 have substantially post holder of post of Homeopathy Medical Officer. Both of them were posted at Directorate. When the post of Assistant Director fell vacant at Directorate, the respondents ignoring the claim of the petitioner have granted charge of Assistant Director to respondent No.3.
3. According to the petitioner, he does not have any disqualification as such for being promoted to the next higher post and he is all eligible for being considered for promotion. He is also admittedly senior to the respondent

No.3. Therefore, the petitioner ought to have been considered for giving charge of Assistant Director ahead of respondent No.3.

4. Today when the matter is taken up for hearing, the petitioner submits that pending the writ petition the post of Deputy Director again has now fallen vacant. The petitioner has already made a representation to the respondents in this regard. According to the petitioner, in the light of the post of Deputy Director falling vacant and the petitioner admittedly being senior between the petitioner and the respondent No.3, let the respondents take an appropriate decision on the claim of the petitioner for being given charge of Deputy Director or else it would amount to the petitioner being forced to work under a junior which would be in contravention to the circular of the State itself dated 04.08.2011 which still holds good and is required to be adhered to by the respondents while granting of charge.
5. Given the said grievance that the petitioner has, the writ petition at this juncture stands disposed of directing the respondents No.1&2 to take immediate decision on the claim of the petitioner for grant of charge keeping in view the seniority of the petitioner and also keeping in view the circular that have been issued by the State particularly the circular dated 04.08.2011 in this regard.
6. Let a decision be taken in this regard at the earliest preferably within a period of 60 days from the date of receipt of copy of this order.
7. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge