

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 177 of 2021**

- Mahesh Kumar Sahu S/o Komal Ram Sahu Aged About 29 Years, Presently Posted As Pharmacist Ayurved, At Government Ayurved Hospital, Shampur, District- Kondagaon, Chhattisgarh.

---- Appellant**Versus**

1. State Of Chhattisgarh, Through : The Secretary, Department of Health And Family Welfare, Mantaralaya, Atal Nagar, Raipur, District- Raipur, Chhattisgarh.
2. Under Secretary Department of Health and Family Welfare, Mantaralaya, Atal Nagar, Raipur, District- Raipur, Chhattisgarh.
3. Deputy Secretary Department of Health And Family Welfare, Mantaralaya, Atal Nagar, Raipur, District - Raipur, Chhattisgarh.
4. District Ayurveda Medical Officer District- Kondagaon, Chhattisgarh.

---- Respondent

For Appellant	: Mr. Ishan Verma, Adv.
For State/Respondent	: Mr. Arijit Tiwari, PL.

Hon'ble Shri Prashant Kumar Mishra, Acting Chief Justice & Hon'ble Smt. Justice Rajani Dubey

Order on Board**15/07/2021****Per Prashant Kumar Mishra, Acting Chief Justice.**

Proceeding through video conferencing.

1. The petitioner had preferred WPS No. 3994/2020 to challenge his transfer order dated 15.09.2020 by which he was transferred to Govt. Ayurved Hospital Shampur, District-Kondagaon, to Primary Health Center Sendra (Usur), District-Bijapur. The challenge was made on the ground that having served in the scheduled area from 2013 onwards he could not have been

transferred to another scheduled area, which is situated at further remote place. The writ petition was disposed of permitting the petitioner to present a representation. When the representation was dismissed by order dated 02.01.2021, the petitioner preferred the present WPS No. 677 of 2021, which has now been dismissed by the impugned order dated 01.03.2021.

2. Shri Ishan Verma, learned counsel for the appellant would submit that in Writ Appeal No. 123/2021, dealing with the similar issue, this Court has dismissed the writ appeal reserving liberty to prefer a representation for seeking suitable place of posting in pursuance to the circular issued by the State Government dated 03.06.2015.
3. Learned counsel for the parties would submit that present writ appeal can be disposed of in terms of order passed by this Court in Writ Appeal No. 123/2021.
4. For facility of the reference, we reproduce operative part para-9 of the order dated 12.04.2021 in Writ Appeal No. 123/2021.

“9. For the foregoing reasons, we do not find any infirmity in the impugned order dismissing the writ petition. Appeal being devoid of any substance which is liable to be and is hereby dismissed accordingly. However, in view of the right reserved by the learned Single Judge in favour of the appellant for filing a fresh representation seeking suitable place of posting in pursuance of Circular dated 03.06.2015, we direct that if such a representation is filed by the appellant, the Respondent-Authorities will consider the same in accordance with law on its own merits within a period of four weeks from the date of receipt of representation.”

5. For the foregoing, this Writ Appeal is dismissed. However, liberty is reserved in favour of the appellant to file a fresh

representation seeking suitable place of posting in pursuance of Circular dated 03.06.2015.

6. We further direct that if such a representation is preferred by the appellant, the competent authority shall decide the same in accordance with law, on its own merits, within a period of four weeks from the date of receipt of the representation.

Sd/-
(Prashant Kumar Mishra)
Acting Chief Justice

Sd/-
(Rajani Dubey)
Judge