

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 6394 of 2021**

- Rajesh Paul Masih S/o Late Shri S.R. Masih, Aged About 50 Years Posted As Accountant In Office Of Chief Medical And Health Officer, Kondagaon, District Kondagaon Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Principal Secretary, Health And Family Welfare Department, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh
2. The Joint Director, Health Services, Bastar Division, Jagdalpur, District Bastar Chhattisgarh
3. The Chief Medical And Health Officer Kondagaon District Kondagaon Chhattisgarh

---- Respondents

For Petitioner	:	Shri Rakesh Pandey, Advocate
For State	:	Shri Amit Baxy, Panel Lawyer

S.B.: Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****23/11/2021**

1. Heard on admission and application for grant of stay.
2. Learned counsel for the petitioner would submit that the petitioner was promoted on the post of Accountant vide order dated 16.05.2013 and directed to join the office of CMHO, Kondagaon. Since the post was not vacant, he was allowed to join and work against the post of Chief Clerk in the office of CMHO, Kondagaon. Thereafter, order dated 01.06.2013 was issued and he was directed to join the office of Civil Surgeon, Kondagaon but the order could not be complied with and still he is working in the office of CMHO, Kondagaon.

Now, vide order dated 20.10.2021, the petitioner is directed to join the office of Civil Surgeon, Kondagaon. It is submitted that as such, order dated 01.06.2013 is not required to be complied with, as it has already lost its efficacy. Therefore, the petitioner may be allowed to make representation to the State Government against the order dated 20.10.2021.

3. Learned State counsel submits that in the office of CMHO, Kondagaon, there is no post of Accountant. Therefore, order dated 20.10.2021 is passed in accordance with law.

4. I have heard learned counsel for the parties.

5. Since the petitioner is already working on the post of Chief Clerk in the office of CMHO even after promotion for a very long time, it would be expedient to grant liberty to the petitioner to make representation to the State Government within a period of 10 days from today and the State Government shall decide the same within a further period of two weeks by reasoned and speaking order. For a period of 4 weeks, the impugned order shall remain stayed.

6. With the aforesaid observation, the writ petition is finally disposed off.

Sd/-
(Sanjay K. Agrawal)
Judge