

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT No. 944 of 2021**

- Vishnu Prasad Patel S/o Shri Bhuneshwar Prasad Patel Aged About 60 Years Occupation Service, Working As Ward Boy, Government Primary Health Center, Barra, Community Health Center Chaple, District Raigarh, R/o- Village- Chaple, Tahsil- Kharsiya, District Raigarh, Chhattisgarh

---- Petitioner**Versus**

- Mr. Suryanarayan Keshari Chief Medical And Health Officer, District Raigarh, Chhattisgarh

---- Respondent

For Petitioner : Shri Vinay Pandey, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order****10/12/2021**

1. Heard.
2. Learned counsel for the petitioner would submit that this Court in WPS No.6279 of 2021 on 15.11.2021 has passed the following order:-

3. Perused the order dated 11.06.2021 (Annexure P/1). It is contended during the submission that the petitioner has not joined the place of transfer because of his age and further ailment. Taking into such fact that the petitioner is 60 years of age and is going to retire within two years, it is directed that the petitioner may file a representation against his transfer with the Chief Medical and Health Officer Distt. Raigarh i.e. respondent No. 3 within a period of three weeks enclosing all the necessary documents and may state the grounds. If such representation is filed before the respondent No. 3, then the same would be considered by the respondent No. 3 within a further period of 30 days from the date of receipt of such representation in

accordance with law and the policy.

4. In the meanwhile, till such representation is made and decided within such outer limit as has been stated supra, it is directed that no coercive steps shall be taken against the petitioner.

3. Learned counsel for the petitioner would submit that thereafter the petitioner is not been allowed to discharge his job. Therefore, it amounts to coercive step which is against the mandate of the order dated 15.11.2021.
4. A query being made as to whether the salary is being paid to the petitioner or not? It is answered that the salary is being regularly paid. In view of such submission, if the petitioner is not allocated with any job this would not fall within the purview of contempt. This Court in its order had only directed that no coercive steps shall be taken against the petitioner. It is the prerogative of the employer to allocate particular job to a particular employee. This Court cannot takeover the reins or step into the shoes of employer. Therefore, this Court is of the opinion that no contempt is made out.
5. Accordingly, the contempt petition is dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu