

Santosh

**IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 345 OF 2017
WITH
MISC. CIVIL APPLICATION NO. 138 OF 2018**

UDAY A. CHARI.,

... Petitioner.

Versus

THE STATE OF GOA, THR. CHIEF
SECRETARY AND ANR.,

... Respondents.

Mr S. Malik, Advocate *for the Petitioner.*

Mr Pravin Faldessai, Addl. Govt. Advocate *for the
Respondents.*

**CORAM : M. S. SONAK &
VALMIKI SA MENEZES, JJ.**

DATE : 26th APRIL 2023

P.C. :

1. Heard Mr Malik for the Petitioner and Mr Faldessai, learned Addl. Govt Advocate for the Respondents.

2. The challenge in this Petition was to the transfer order dated 23/03/2017, by which the Petitioner, a Psychiatric Staff Nurse, was transferred from the Institute of Psychiatry and Human Behaviour (IPHB) to the Central Jail, Colvale on a working arrangement.

3. This Court, by order dated 18/4/2018, suggested some interim arrangement, so that the IPHB staff could work in the Central Jail on rotation basis.
4. Based upon the interim order, the Director/Dean of the IPHB, made the following order on 2/5/2018 :

“
Government of Goa,
Institute of Psychiatric and Human Behaviour
Bambolim-Goa
No.22/37/84-EST/Vol.III/387 Dated : 2/05/2018
Read Transfer Order no. 6/561/93-EST/Vol.III/2277 dated 07/11/2016

ORDER

On partial Modification of the aforesaid Order the work allotment/ posting of the following Male Staff Nurses have been made with immediate effect to perform the duties at Central Jail Colvale as Psychiatric Staff Nurse to take care of Jail inmates on rotation basis as under until further orders:

<i>Sr. No.</i>	<i>Name of the Official</i>	<i>Work period at Central Jail Colvale</i>
1	<i>Shri Sandeep Gad, Staff Nurse</i>	<i>07/05/2018 to 31/07/2018</i>
2	<i>Shri Subhash Chodankar, Staff Nurse</i>	<i>01/08/2018 to 31/10/2018</i>
3	<i>Shri Kiran Kerkar, Staff Nurse</i>	<i>01/11/2018 to 31/01/2019</i>
4	<i>Shri Sandeep Naik, Staff Nurse</i>	<i>01/02/2019 to 30/04/2019</i>
5	<i>Shri Uday Chari, Staff Nurse</i>	<i>01/05/2019 to 31/07/2019</i>

The working hours of the said staff Nurses at Central Jail, Colvale-Bardez will be 09.00 a.m. to 5.00 p.m..

The official mentioned at sr. no.1 is hereby directed to report for duties at Central Jail, Colvale with immediate effect i.e. w.e.f. 07/05/2018 without availing any joining time and thus relieving Shri Uday Chari, Staff Nurse to this Institute of Psychiatry & Human Behaviour, Bambolim with immediate effect.

*Sd/-
(Dr. Pradéep G. Naik)
Director /Dean*

*To,
All the above concerned, IPHB, Bambolim*

Copy to:

- 1. The Under Secretary (Health), Public Health Department, Secretariat Porvorim -Goa.*
- 2. The Superintendent, Central Jail, Colvale-Bardez*
- 3. The Medical Superintendent, IPHB, Bambolim,*
- 4. The Assistant Accounts Officer, IPHB, Bambolim,*
- 5. The Matron, IPHB, Bambolim,*
- 6. The Personal File & File W.P. 345/2017*
- 7. Guard File.”*

5. Mr Faldessai, however, submits that since 2020, the Petitioner is posted at the IPHB (original position). Mr Faldessai points out that from 2020, no Psychiatric Staff Nurses from the IPHB, have been transferred to the Central Jail at Colvale, even on working arrangement.

6. Considering the above position, we think that the primary reliefs in this Petition, stand worked out. Accordingly, this Petition is disposed of.

7. Mr Malik submits that if any arrears or financial benefits have been withheld by the Respondents, then, directions should be issued for release of the same. For the present, there are no details of any such arrears. However, if there are any arrears, the Petitioner is at liberty to represent for release of the same. If such a representation is made, the same should be disposed of in accord with law.

8. There are some issues about disciplinary proceedings against the Petitioner. Accordingly, we keep open all the contentions of the Petitioner in this Petition, should any action be taken against the Petitioner.

9. Misc. Civil Application also stands disposed of.

VALMIKI SA MENEZES, J.

M. S. SONAK, J.

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