

(2019) 10 CHH CK 0137

Chhattisgarh High Court

Case No: Writ Appeal No. 466 Of 2019

Dr. Manish Baghel

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision: Oct. 18, 2019

Hon'ble Judges: P.R. Ramachandra Menon, CJ; Parth Prateem Sahu, J

Bench: Division Bench

Advocate: Rahim Ubwani, Siddharth Dubey

Final Decision: Disposed Of

Judgement

Parth Prateem Sahu, J

1. The Appellant aggrieved by the order dated 06.09.2019 passed by the learned Single Judge, whereby the learned Single Judge declined to interfere

with the order of transfer passed by the Respondent authorities against him.

2. The case of the Appellant is that, the Appellant has been transferred on 19.08.2019 from Community Health Center, Chhuikhadan, District

Rajnandgaon to Community Health Center, Chhura, District Gariyaband showing in the column of the ground for the transfer as ""own expenses"".

3. The learned counsel for the Appellant submits that at no point of time he had made any application for his transfer to any other place and therefore,

he could not have been transferred mentioning the ground as 'own expenses'. He further submits that if for any of the reasons some change is to be

made in the order of transfer, it is only with the approval of Coordination-Committee, which is a body constituted by State Government for considering

the issues relating to transfer. During the course of correcting the order of transfer of Appellant no such proceedings have been taken, but the

Respondent No. 1 has modified the order of transfer and held that the Appellant has been transferred because of the administrative exigency.

4. The learned counsel for the Respondents/State submits that the reason mentioned in the transfer order with respect to ""on own expense"" appeared in the order of transfer dated 19.08.2019 was due to typographical error whereas he has been transferred on the ground of ""administrative exigency and therefore, the Respondent No. 1 has corrected the typographical error and the said correction was not required to be placed before the Coordination- Committee.

5. Considering the facts and circumstances of the case that the original transfer order has been subsequently corrected by the authority which cause the Appellant to file writ petition before this Court which was disposed off with the direction to file representation. On the last date of hearing, looking to the facts and circumstances of the case, we have directed to maintain status-quo, and on that basis, the Appellant is presently discharging his duties on the earlier place of posting.

6. In view of the aforementioned facts and circumstances of the case, particularly considering the fact that by virtue of the interim order passed by this Court, the Appellant is at present discharging his duties at the earlier place of posting i.e. Community Health Center, Chhuikhadan, District Rajnandgaon, we deem it fit to direct the Appellant to make appropriate representation before the competent authority as provided in the transfer policy alongwith a copy of the writ petition as well as a copy of the writ appeal within the period of 10 days from today. The competent authority in turn will decide the representation so filed within a further period of 2 weeks. Till then status-quo granted by this Court on 16.10.2019 shall continue.

7. The writ appeal stands disposed off.