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Chhok

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
(C.G.)

2636 / 2003 ✓

WRIT PETITION No.

PETITIONER

Dr. R. R. Gajbhiye
S/O Vithoba Gajbhiye
Aged about 50 years
Assistant Surgeon,
Community Health Centre
Chirmiri
District- Koriya
(Chhattisgarh)

P. R. No. 2636/03
Presented by Shri. Shrenu K. Patel
dated 22-06-03

VERSUS

RESPONDENTS



1. State of Chhattisgarh
Through the
Principal Secretary
Department of Health,
Family Welfare
& Medical Education
D.K.S. Bhawan,
Mantralaya,
Raipur (Chhattisgarh)

2. Director
Health Services
Government of
Chhattisgarh
Raipur (Chhattisgarh)

3. Chief Medical
and Health Officer
District-Koriya
(Chhattisgarh)

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22/06/03
CLERK TO A.G. RAIPUR

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(4)

(2)

WRIT PETITION UNDER ARTICLE 226/227 OF THE
CONSTITUTION OF INDIA FOR ISSUANCE OF
APPROPRIATE WRITS OF CERTIORARI AND MANDAMUS
ETC. AND FOR FURTHER SUITABLE WRITS AND
DIRECTIONS:

आदेश पत्रक

W.P. No. 2636/03

मामला क्रमांक

सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p><u>30.8.2003</u></p> <p>Petitioner by Shri Kanak Tiwari, Advocate. Respondents/State by Shri Ranbir Singh, Govt. Advocate.</p> <p>By this petition under Article 226/227 of the Constitution of India the petitioner has challenged his transfer order dated 8.8.2003 by which he has been transferred from Community Health Center, Chirmiri District-Korea to the Primary Health Center-7, Gorpani, Bhaiyathan District-Sarguja on the ground of administrative exigency.</p> <p>Learned counsel for the petitioner submits that the petitioner is working as Assistant Surgeon at Community Health Center Chirmiri where out of total 4 sanctioned strength of doctors only two doctors are working in the hospital. More over the petitioner is the only doctor who performed the duties of pathologist and after his transfer there will be no pathologist in the said hospital. Learned counsel for the petitioner further submits that the wife of the petitioner is serious heart patient and his daughter is studying in Class-9th in the school at Chirmiri. Therefore, in the given circumstances the transfer of the petitioner in any way would not serve the public purpose as well as looking to the family condition of the petitioner he may be allowed to remain at Chirmiri. The petitioner has already submitted a representation to the appropriate authority which is under consideration.</p> <p>It is settled law that the transfers are made on administrative exigencies and the petitioner has not raised any malafied or bias.</p> <p>Having heard learned counsel for the parties and having regard to the facts and circumstances of the case the petitioner is allowed to</p>	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

2636/03

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	<p>make a representation raising all his grievances before the Respondent No.2 Director within a period of 10 days from today. The Respondent No.2 is directed to decide the same in an objective manner by appropriate order within 30 days from the date of receipt of the representation taking into consideration all the points raised by the petitioner .</p> <p>With the above observations this petition is disposed of finally. Consequently M(W)P No. 2405/2003 and I.A. No. 7976/2003 also disposed of.</p>	<p>Sd/- L.C.BHADOO Judge</p>