

IN THE HON'BLE HIGH COURT OF CHHATTISGARH, BILASPUR (C.G.)

WRIT PETITION NO. 1689/2005

PETITIONER

: ✓ Vinod Pandey, S/o late Shri C.L. Pandey, aged about 49 years, working as O.T. Operator, District Hospital, Durg, R/o. Hospital Colony, Durg, District Durg (C.G.)

VERSUS

RESPONDENTS

1. State of Chhattisgarh,
Through- the Secretary,
Department of Health & Family
Welfare, D.K.S. Bhawan, Raipur
(C.G.)
2. Inspector General of Police,
Anti Corruption Bureau, Raipur
(C.G.).

P.R. No. 1889/05
Presented by Shri. Manoj Singh
dated 27.05.05

**WRIT PETITION UNDER ARTICLES 226 OF THE
CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT/WRITS,
ORDER/ORDERS, OR/AND DIRECTION / DIRECTIONS IN
THE NATURE OF MANDAMUS/CERTIORARI, OR OF ANY
OTHER APPROPRIATE NATURE.**

आदेश पत्रक

मामला क्रमांक WP.No...1680/2005
सन् 200

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p><u>29-4-2005</u></p> <p>Shri M.P.S. Bhatia, counsel for the petitioner.</p> <p>Shri Akhil Agrawal, P.L. for the State/respondents.</p> <p>The petitioner has preferred this writ petition being aggrieved by the order Annexure-P/1 dated 11th April 2005 whereby he has been transferred to Kanker.</p> <p>The case of the petitioner is that prior to this order he was working as Operation Theatre Operator in the District Hospital, Durg. On 10-2-2005, on the complaint of Amar Singh Dhritlahre, Dr. Raj Kumar Damle caught red handed while taking illegal gratification of Rs.500/- and in the said raid of the Anti Corruption Bureau Department currency note of Rs.100/- was also found in possession of the petitioner herein whereas, there was no complaint against the petitioner, that Rs.100/- note was given to him by Dr.Damle to bring some items from the canteen. Now, he has been transferred on the advise of the Anti Corruption Bureau. His transfer is without any rhyme or reason and the same is prejudicial to the petitioner, therefore, transfer be stayed.</p> <p>I have heard learned counsel for the petitioner on admission of this petition.</p> <p>Learned counsel for the petitioner argued that on the advise of Anti Corruption Bureau the petitioner has been transferred unnecessarily whereas, he was not involved in taking illegal gratification and the note of Rs.100/- which was recovered from the petitioner was given by Dr. Damle to bring some items from the canteen.</p> <p>Having heard learned counsel for the petitioner, I have perused the petition. Perusal of impugned order Annexure-P/1 shows that Dr. Damle</p>	

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
Barve	<p>has been transferred to Kanker. Similarly, the petitioner has also been transferred and the copy of the order has been sent to the Inspector General of Anti Corruption Bureau. It is settled law that the transfer is an incident of service and unless and until the transfer is made on malafide ground or contrary to any rule, in that case an employee is entitled to challenge the transfer order.</p> <p>At this stage, Mr. Bhatia submits that the petitioner may be allowed to make a detailed representation to respondent No.1 and he be directed to decide the same to which counsel for respondent No.1 has no objection.</p> <p>Having heard learned counsel for the petitioner and having regard to the facts and circumstances of the case, the petitioner is allowed to make a detailed representation before respondent No.1 within a period of 10 days from today and in turn respondent No.1 will decide the representation of the petitioner within a period of one month from the date of receipt of the representation after considering all the points raised by the petitioner in an objective manner in accordance with law.</p> <p>With the direction aforesaid, the petition stands disposed of.</p> <p>Consequently, M.(W.)P. No.1316/2005 and I.A. No.3263/2005 also stand disposed of.</p> <p>Parties are entitled for certified copy of this order.</p>	<p>Sd/- L.C. Bhadoo Judge</p>

(पीछे देखिये)

2.5.05
9.5.05