

Writ Petition No :: 8327 / 2013 (s)
30.11.2013.

Shri Ashok Kumar Gupta, learned counsel for the petitioner.

Smt. D.K. Bohrey, learned Panel Lawyer for the State.

Petitioner was appointed on contract basis. Vide order Annexure P-6 on 19.3.2013 he has been posted to Primary Health Centre Bhaneghat, District Balaghat. The appointment of petitioner was on contract basis, the initial appointment of the petitioner was made in the year 2007 vide Annexure P-1 and at that point of time petitioner was appointed in Katangi Hospital Colony Balaghat. Appointment of petitioner is in accordance to statutory rules i.e. the Madhya Pradesh Public Health and Family Welfare Medical Cadre Contract Service (Appointment and Condition of Service) Rules 2002 and a perusal of the statutory rules goes to show that under Rule 6 sub-rule 6 pertaining to period of contract appointment it is clearly stipulated that appointment of contract medical officer shall be for a specific place only and it is further stipulated in the rule that a medical officer shall not be transferred in any circumstance.

That being so, the appointment of petitioner in accordance to statutory rules is for a particular place and the terms and condition of appointment as prescribed prohibits transfer of a contract medical officer. Petitioner has been transferred from his original place of posting i.e. primary health centre Rampayali District Balaghat to Primary Health Centre Bhaneghat, district Balaghat. Transfer of petitioner from his original place of posting

by impugned order Annexure P-6 dated 19.3.2013 is not permissible as transfer of a contract medical officer is prohibited by statutory rules itself.

That apart, in the original order of appointment Annexure P-1 dated 21.5.2007 also, in clause 3.8 it is clearly stipulated that the appointment is for a particular place and transfer to another place is not permissible. Under such circumstances as transfer of the petitioner is not permissible as per the contract and conditions of service the action impugned is unsustainable.

That being so, impugned order Annexure P-6 so far as it relates to petitioner is quashed and in case respondent wants to take action they are only granted liberty to proceed in accordance to law or the terms and conditions of the contract appointment.

With the aforesaid the petition stands disposed of.

(RAJENDRA MENON)
J U D G E

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