

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 8177 of 2022**

Kiran Kumar Banjare S/o Shri Bahur Ram Banjare Aged About 42 Years Working As Rural Medical Assistant, Primary Health Center, Bodra, Block- Gurur, District : Balod, Chhattisgarh

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through Secretary, Health And Family Welfare Department, Mantralaya, Mahanadi Bhawan, Naya Raipur Atal Nagar Raipur, District : Raipur, Chhattisgarh
2. The Director Directorate Of Public Instructions, Indrawati Bhawan, Naya Raipur, District : Raipur, Chhattisgarh
3. The Collector Balod, District : Balod, Chhattisgarh
4. The Chief Medical And Health Officer Balod, District : Balod, Chhattisgarh
5. Kamal Kishore Sinha Working As Rural Medical Assistant, Government Primary Health Center, Purur, Block- Gurur, District : Balod, Chhattisgarh

**---- Respondents**

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| 01/12/2022 | <p>Mr. R.S. Patel, counsel for the petitioner.</p> <p>Mr. Suyashdhar Badgaiya, Panel Lawyer.</p> <p>Heard.</p> <p>Issue notice to respondents.</p> <p>Mr. Suyashdhar Badgaiya, Panel Lawyer accepts notice for respondents No. 1 to 4. Hence, process fee is not required to be paid</p> |

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|  | <p>for issuance of notice to those respondents. Learned counsel for the State prays for and is granted 3 weeks time to file reply to writ petition.</p> <p>Issue notice to respondent No.5 on payment of PF as per rules. Notice be made returnable in 3 weeks.</p> <p>Also heard on IA No.1, which is an application for grant of interim relief.</p> <p>Learned counsel for the petitioner submits that while cancelling order of transfer of respondent No.5, petitioner has been transferred from Primary Health Centre, Bodra, Block-Gurur, District- Balod to Primary Health Centre, Badbattar, District- Kondagaon only to accommodate respondent No.5 vide order No. F1-118/2022/सत्रह/एक. Impugned order (Annexure P-1) is <i>per se</i> arbitrary and in violation of Clause- 4 of the Transfer Policy. He contended that under Clause 6.4 of the Transfer Policy also, it is categorically mentioned that in the ban period, when transfer is required to be made, there should be mentioned that order has been obtained after coordination, but while transferring the petitioner, proposal has not been placed for coordination.</p> <p>Learned counsel for the State opposes the submission of learned counsel for the petitioner and would submit that petitioner has been transferred on administrative ground.</p> <p>Considering the submission made by learned counsel for the parties as also considering that the transfer of the petitioner is after 30<sup>th</sup> September 2022 which is within the ban period, Clause 4 and Clause 6.4 of the Transfer Policy, contents of order of transfer, purely as an interim measure, it is directed that effect and operation of the impugned order (Annexure P-1) so far as it relates to the petitioner shall remain stayed till the next date of hearing.</p> |
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List this case in the week commencing **2<sup>nd</sup> January 2023**.

Certified copy as per rules.

Sd/-  
**(Parth Prateem Sahu)**  
Judge

Praveen