
(2007) 01 JH CK 0013
In the Jharkhand High Court

Dr. Smt. Kamini Barnwal

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 24-01-2007

Acts Referred:

Citation : (2007) 2 JCR 66

Hon'ble Judges : R.K. Merathia, J

Bench : Single Bench

Judgement

R.K. Merathia, J.—Heard the parties for final disposal for the writ petition.

2. Petitioner's only grievance is that respondent No. 3, who is junior to her, has been posted as Incharge and has been made Drawing and Disbursing Officer at Primary Health Centre, Ormanjhi, Ranchi vide Notification dated 11.7.7.2006 (Annexure-2) ignoring the Circular No. 1656 dated 27.8.1987 (Annexure-6).

3. Mr. Sumit Gagodia, "appearing for respondent No. 2, submitted that in the counter affidavit filed on behalf of respondent No. 2 due to typographical mistake, respondent No. 3 has been mentioned. He submitted that several complaints were received against the petitioner and therefore, respondent No. 3 was made Incharge/ Drawing and Disbursing Officer.

4. In reply Mr. Prasad pointed out that after respondent No. 3 was made In-charge/Drawing and Disbursing Officer by the said Notification dated 11.7.2006, he started making complaints against the petitioner relating to earlier periods, though no such complaints were made earlier by any body, and therefore it is absolutely wrong that after the complaints were received, the respondent No. 3 was posted.

5. I find force in the submission of Mr. Prasad. It appears from the said Circular No. 1656, dated 27.8.1987 that the senior most Medical Officer has to be made Incharge/Drawing and Disbursing Officer of the Health Centres. There is nothing to show that the said circular has not been adopted by the State of Jharkhand or any new circular has been issued in this regard. Thus the department has posted

respondent No. 3, ignoring the said circular and therefore such action is clearly illegal and arbitrary. Moreover, it further appears that only after respondent No. 3 joined as Incharge/Drawing and Disbursing Officer pursuant to the impugned notification dated 11.7.2006, he made complaints against the petitioner.

6. In the circumstances, the matter is remitted back to respondent No. 2 who will enquire into the entire matter and will issue appropriate orders within two weeks from the date of receipt/production of a copy of this order, but till then respondent No. 3 is restrained from acting as Incharge/Drawing and Disbursing Officer.

7. With these observations and directions, this writ petition is disposed of.

As prayed, let a copy of this order be handed over to the counsel for the parties.