HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 1911 of 2026

Ramesh Gupta

.....Petitioner(s)

Versus

State Of Up And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ved Prakash Mishra
Counsel for Respondent(s)	:	C.S.C., Pranjal Mehrotra

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. On the oral request of counsel for the writ petitioner, he is permitted to implead respondent no. 5 as Superintendent C.H.C., Kurara, Hamirpur.

2. Heard Sri Ved Prakash Mishra, learned counsel for the writ petitioner and Sri Vivek Singh, learned Standing Counsel for the State as well as Sri Pranjal Mehrotra, learned counsel for the respondents.

3. A joint statement has been made by the rival parties that they do not propose to file any affidavit and the writ petition be decided on the basis of the documents available on record.

4. With the consent of the parties, the writ petition is being decided at the fresh stage.

5. The case of the writ petitioner is that the writ petitioner was appointed and selected on 10.11.2012 by Chief Medical Officer as an Accountant in Community Health Center , Kurara, Hamirpur on a monthly honorarium of Rs. 18,000/-, however, now by virtue of the order dated 16.12.2025 passed by the fifth respondent, the writ petitioner has been transferred to the Kurara, Hamirpur to Muskura, Hamirpur.

6. Questioning the said transfer order, the present petition has been preferred.

7. Learned counsel for the writ petitioner is being a contractual employee could not have been transferred from one place to another. Reliance has been placed upon in ***Writ-A No. 12725 of 2023 (Hemant Kumar Pandey and 5 others v. State of U.P. and 3 others)***, decided on 21.08.2023, wherein it was

held that the transfer of a contractual employee cannot be made.

8. Learned Standing Counsel as well as Shri Pranjal Mehrotra, counsel for respondents concedes to the fact that the writ petition stands covered in view of the decision in ***Hemant Kumar Pandey and 5 others (supra)*** and transfer could not have been made.

9. I have heard learned counsel for the parties and gone through the records carefully.

10. Apparently, the writ petitioner is being transferred from one place to another though it is not in dispute that he is to be contractual employee. In ***Hemant Kumar Pandey and 5 others (supra)***, the following was observed as under:

> *"1. In response to the order of this Court dated 17.08.2023, Sri Pranjal Mehrotra appearing for Mission Director, National Health Mission, Lucknow has placed a circular letter issued by the Director dated 18.08.2023 reiterating the earlier notice/ circular issued on 10.07.2023 that the transfer policy in respect of employees working in the National Health Mission has already been stayed and this has been circulated to all the concerned vide office letter dated 24.07.2020 and the concern has been shown by writing a letter on 18.08.2023 to all the District Magistrates/ Chairman of the District Health Committee working under the Mission Director of the State of U.P. to ensure that such employees working on contract basis are not transferred from one place to another place for which such contract employees have given employment. The circular letter dated 18.08.2023 is reproduced hereunder:*
>
> "प्रेषक,
>
> मिशन निदेशक,
>
> राष्ट्रीय स्वास्थ्य मिशन,
>
> उ०प्र०, लखनऊ।
>
> सेवा में,
>
> समस्त जिलाधिकारी/अध्यक्ष,
>
> जिला स्वास्थ्य समिति,
>
> उ०प्र०।

पत्रांक: 10/एस०पी०एम०यू०/एन०एच०एम०/एच०आर०/विविध/2023-24/4157 दिनांक 18.08.2023

विषय:- राष्ट्रीय स्वास्थ्य मिशन, उ०प्र० के अन्तर्गत कार्यरत संविदा कर्मियों हेतु लागू मानव संसाधन नीति, डैप-गाइडलाइन तथा विभिन्न पत्रों के माध्यम से प्रेषित दिशा-निर्देशों की उपेक्षा विषयक।

महोदय/महोदया,

कृपया राष्ट्रीय स्वास्थ्य मिशन, उ०प्र० के अन्तर्गत कार्यरत संविदा कर्मियों हेतु लागू मानव संसाधन नीति के चैप्टर-10 जोकि *Separation and Exit Formalities* से संबंधित है जिसके अन्तर्गत संस्था से अलग होने व सेवा समाप्ति से सम्बन्धित दिशा-निर्देश प्रदान किये गये है एवं मानव संसाधन नीति के अन्य दिशा-निर्देश का सन्दर्भ ग्रहण करने का कष्ट करें।

उक्त के सम्बन्ध में प्राय: संज्ञान में आया है कि मानव संसाधन नीति में प्रेषित दिशा-निर्देशों तथा पत्र संख्या-197/ एस०पी०एम०यू०/ डैप-एच०आर०/जी०आर०सी०/2018-19/12394-75 दिनांक 07.03.2019 के माध्यम से राष्ट्रीय स्वास्थ्य मिशन, उ०प्र० के अन्तर्गत कार्यरत संविदा कर्मियों द्वारा कार्य में अनिमियतता पाये जाने के विरूद्ध प्रेषित प्रक्रिया की उपेक्षा कर कतिपय जनपदों द्वारा संविदा कर्मियों के सेवा समाप्ति का निर्णय जिला स्वास्थ्य समिति में प्रस्तावित किये बिना ही ले लिया जाता है, व सम्बन्धित कर्मी को अपना पक्ष रखने का अवसर भी प्रदान नहीं किया जाता, जोकि नियमों के विरूद्ध है।

उक्त के क्रम में आपसे आपेक्षिक है कि राष्ट्रीय स्वास्थ्य मिशन, उ०प्र० के अन्तर्गत कार्यरत किसी भी संविदा कर्मी की सेवा समाप्ति किये जाने से पूर्व निर्धारित दिशा-निर्देशों का अनुपालन किया जाना तथा सम्बन्धित कर्मी को अपना पक्ष रखने का अवसर प्रदान किया जायें, यदि उक्त के उपरान्त भी साक्ष्य एवं नियमों के आधार पर किसी संविदा कर्मी की सेवा समाप्ति की जाती है तो उक्त हेतु उचित आदेश तथ्यों सहित सम्बन्धित को निर्गत किया जाना सुनिश्चित किया जायें।

उक्त के अतिरिक्त अवगत कराना है कि राष्ट्रीय स्वास्थ्य मिशन, उ०प्र०की वेबसाइट *www.upnrhm.gov.in* पर उपलब्ध नोटिस संख्या: 150/एस०पी०एम०यू०/ डैप-एच०आर०/2020-21/1628 दिनांक 10.07.2020 माध्यम से राष्ट्रीय स्वास्थ्य मिशन,

उ०प्र० के अन्तर्गत जनपद स्तर पर कार्यरत संविदा कर्मियों हेतु लागू स्थानांतरण नीति आगामी वित्तीय वर्षों हेतु तक स्थगित की चुकी है। उपरोक्त सूचना कार्यालय ज्ञाप संख्या: 150/एस०पी०एम०यू०/ डैप-एच०आर०/स्था०/2020-21/1909-11 दिनांक 24.07.2020 के माध्यम से समस्त सम्बंधित अधिकारियों को भी प्रेषित की गयी है।

परन्तु प्राय: संज्ञान में आया है कि कतिपय जनपदों द्वारा बिना किसी आधार पर कर्मियों का स्थानान्तरण कर दिया जाता है जोकि नियम विरूद्ध है। यहां यह भी स्पष्ट किया जाता है कि जनपदों द्वारा किये गये स्थानान्तरणों की जिम्मेदारी राज्य द्वारा व्यहत नहीं की जायेगी तथा उक्त के सम्बन्ध में यदि कोई न्यायिक कार्यवाही होती है तो जनपद स्वयं उसके लिए जिम्मेदार होगा।

उपरोक्त के क्रम में आपसे अनुरोध है कि समय-समय पर जनपद में कार्यरत कर्मियों के कार्य की समीक्षा की जाये तथा राष्ट्रीय स्वास्थ्य मिशन, उ०प्र० के अन्तर्गत जनपदो पर कार्यरत संविदा कर्मियों हेतु लागू मानव नीति, डैप-गाइडलाइन एवं अन्य पत्रों के माध्यम से प्रेषित दिशा-निर्देशों का कडाई से अनुपालन किया जाना सुनिश्चित करें।

संलग्नक: यथोपरि। भवदीया,

ह० अप०

(डा०पिंकी जोवल)

मिशन निदेशक

2. Sri Pranjal Mehrotra, learned counsel appearing for Mission Director states that now the individual officers are responsible for such act and conduct, if they make transfer of contract employees working under the Health Mission Project under the aegis of Directorate of National Health Mission in State of U.P.

3. In view of the above, therefore, I do not find the order dated 20.07.2023 to be sustainable.

4. At this stage, learned Standing Counsel Sri Gaurav Singh submits that the order dated 20.07.2023 in respect of the petitioner and other such employees has been recalled and they have been given warning to improve their conduct and behavior in future, otherwise disciplinary action shall be taken against them. The order passed by the Chief Medical Officer, Gorakhpur dated 03.08.2023 placed before the Court is taken on record. It appears that employees who were transferred, were not found to be discharging their duties satisfactorily and accordingly they were issued warning to improve their working, otherwise disciplinary proceedings will be initiated.

5. In the circumstances, therefore, the Court is of the considered view that no further order is required to be passed in respect of the impugned order but the Principal Secretary, Medical, Health and Family Welfare, Government of U.P., Lucknow is directed to issue circular letter to all the Chief Medical Officers working in the districts of State of U.P. to abide by the circular letter of the Mission Director dated 10.07.2020, 24.07.2020 and 18.08.2023 reproduced herein above in respect of the transfer of the contract employees working in the Mission.

6. With these observations and directions, this petition stands disposed of.

7. The Registrar (Compliance) is to communicate this order to the

Principal Secretary, Medical and Health Services of State of U.P. within 24 hours for necessary compliance."

11. Bearing in mind the fact that the parties are in agreement that the present matter stands covered in ***Hemant Kumar Pandey and 5 others (supra)*** and transfer could not be made, thus, this Court has no option to allow the writ petition.

12. The impugned transfer order dated 16.12.2025 passed by the Chief Medical Officer Hamirpur i.e. respondent no.4 is set aside insofar as it relates to the writ petitioner.

13. Accordingly, the writ petition stands **allowed**.

February 10, 2026
Ashu

(Vikas Budhwar,J.)

Digitally signed by :-
ASHUTOSH KUMAR PRAJAPATI
High Court of Judicature at Allahabad