

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2879 of 2015

- Somarsay Tirkey S/o Shri Amrit Tirkey Aged About 38 years Occupation Panchayat Secretary, R/o Parwatipur, P.S. Ganeshpur, District Surajpur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Rural And Development Department, Mahandi Bhawan, New Mantralaya, Raipur Chhattisgarh
2. The Collector Surajpur, District Surajpur Chhattisgarh
3. The Chief Executive Officer Jila Panchayat Surajpur, District Surajpur Chhattisgarh
4. The Chief Executive Officer Janpad Panchayat - Surajpur, District Surajpur Chhattisgarh

---- Respondent

For Petitioner	Shri Sunil Tripathi, Advocate
For Respondent/State	Shri Y.S. Thakur, Dy. AG

Hon'ble Justice Prashant Kumar Mishra

Order On Board By

10/08/2015

1. With the consent of the learned counsel for the parties, the matter is heard finally.
2. The petitioner has preferred this writ petition challenging the order passed by the Chief Executive Officer, Jila Panchayat, Surajpur whereby, he has been transferred from the post of Panchayat Secretary of Gram Panchayat Ganeshpur, Janpad Panchayat Surajpur to Gram Panchayat

Kalamajan, Janpad Panchayat Odgi, in the same district, on administrative grounds.

3. Shri Tripathi, learned counsel for the petitioner, would submit that his wife is working as Shiksha Karmi Grade-III at Primary School Jharpara, Kunjnagar, which is very near to the petitioner's present place of posting. According to the State Government's transfer policy, husband and wife should be posted at one place or nearby places, as far as may be possible, therefore, the impugned order is contrary to the State Government's policy.
4. It is settled law that when the transfer has been made on administrative grounds and the concern employee is raising grounds of violation of policy or any personal difficulty, the same should be considered by the authorities and the Court has limited jurisdiction on the issue.
5. In view of the aforesaid, the writ petition is disposed of with a direction that the petitioner prefers a representation before the Chief Executive Officer, Jila Panchayat Surajpur, within a period of 15 days from today, the said authority shall consider and decide the petitioner's representation, on its own merits, at the earliest, preferably within a period of 6 weeks from the date of submission of representation.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA