

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2143 of 2016

Vijay Kumar Bhaskar S/o Shri Ramchandra Bhaskar, Aged About 32 Years
Working As Assistant Teacher Panchayat At Govt. Primary School Raipali,
Tahsil Pusour, District Raigarh R/o Village & Post Bunga, Tahsil Pusour,
District Raigarh Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Panchayat & Rural Development
Department, Mantralaya, Mahanadi Bhawan, Naya Raipur Chhattisgarh
2. The Collector, Raigarh, District Raigarh Chhattisgarh
3. Chief Executive Officer, Zila Panchayat, Raigarh, District Raigarh
Chhattisgarh
4. Chief Executive Officer, Zila Panchayat Baloda Bazar, District Baloda Bazar
Bhatapara Chhattisgarh
5. Chief Executive Officer, Janpad Panchayat Pusour District Raigarh
Chhattisgarh

---- Respondents

For Petitioner	:	Mr. R.S. Patel, Advocate.
For State	:	Mr. Dheeraj Wankhede, Government Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/06/2016

Heard.

1. Challenge is made to the transfer order of the petitioner from Raigarh District to Balod District on the ground that the transfer has been made in violation of the policy of posting husband and wife at the same place as far as possible.
2. Learned counsel for the petitioner submits that the representation has been made highlighting that the wife of the petitioner is posted in the same district and therefore, he ought not to be treated as surplus employee in view of the policy

decision of keeping husband wife together. It is also submitted that the petitioner is also an office bearer of the union and the transfer policy exempts such office bearers from transfer.

3. As far as the challenge to the transfer order on the ground that it violates the policy of keeping the husband wife together is concerned, the representation of the petitioner requires consideration. The other ground that the petitioner is an office bearer is also required to be considered as the policy exempts the officer from transfer. However, it has to be noted that these transfer guidelines normally do not create any right but at the same time if subject to administrative exigency and public interest, it needs consideration at the end of the Transferring Authority. That is what the policy also says.

4. In view of the above circumstances, I am not inclined to keep this matter pending because subject to administrative exigencies, transferring Authority should look into the matter and take a decision thereon at the earliest. It has also to be noted that in matters of transfers, where the policy decision contemplate representation, as soon as representation are made, the same are required to be decided and it should not be kept pending.

5. In the result, this petition at this stage is disposed off with the direction to the transferring Authority to take decision on the petitioner's representation. The decision should be taken within a period of three weeks from the date of receipt of copy of this order. For a period of three weeks, the petitioner shall not be compelled to proceed on transfer. The direction granted by this Court is subject to the condition that the copy of this order should be placed by the petitioner before the competent authority within 10 days from today.

Sd/-

(Manindra Mohan Shrivastava)
J U D G E