

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2841 of 2016

- Pramod Kumar Mahesh S/o Prasad Dar Mahesh, Aged About 32 Years Assistant Teacher (Panchayat), Govt. Primary School, Jevra, Janpad Panchayat, Sarangarh, District Raigarh (Chhattisgarh).

---- Petitioner

Versus

1. State of Chhattisgarh Through The Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh).
2. Secretary, Department Of Panchayat & Rural Development Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur (Chhattisgarh).
3. The Collector, Raigarh, District Raigarh (Chhattisgarh).
4. Chief Executive Officer, Zila Panchayat, Raigarh, District Raigarh (Chhattisgarh).
5. Chief Executive Officer, Zila Panchayat, Mungeli, District Mungeli (Chhattisgarh).
6. Chief Executive Officer, Janpad Panchayat, Sarangarh, District Raigarh (Chhattisgarh).

---- Respondents

For Petitioner : Mr. Govind Dewangan, Advocate
For State : Mr. Dhiraj Wankhede, GA

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

13/07/2016

1. Challenge is made to the transfer order which is made from Sarangarh, District Raigarh to Zila Panchayat, Mungeli on the ground that transfer order has been passed in violation of the policy of posting husband and wife together at the same place as far as possible.
2. Learned counsel for the petitioner would submit that wife of the petitioner is working at Janpad Panchayat, Sarangarh, therefore, the petitioner ought not to have been treated for as surplus employee and it is submitted that transfer order violates the policy of keeping husband and wife together. It is further submitted that the petitioner through its Union – Chhattisgarh Krantikari Sikshak (P) Sangh (C.G.) has made representation before the Collector, Raigarh and Chief

Executive Officer, Zila Panchayat, Raigarh, but, on that, decision has not been taken yet.

3. The petitioner's main contention is that there has been a breach of transfer policy, as it is to be done in the same district for husband and wife.
4. In the opinion of this Court the transfer can be made of an employee against the transfer policy in the interest of public policy. Therefore, whether such situation existed or not needs consideration at the end of the transferring authority as to why the policy has been violated.
5. In view of the above circumstances, I am not inclined to keep the matter pending because subject to the administrative exigency, authority should look into the matter. It is further observed that the petitioner shall be at liberty to make a separate representation again before the Chief Executive Officer, Zila Panchayat, Raigarh and plead all the facts including policy and may highlight the policy of the State Government and if such representation is made within two weeks of this order that may be decided by the concerned authority within a further period of two weeks.
6. In a result, the petition stands disposed off with a direction to the transferring authority to take appropriate decision if the petitioner make fresh representation before respondent No.4 within a further period of two weeks and the concerned authority shall be obliged to take appropriate decision within further two weeks. For the aforesaid period the petitioner shall not be compelled to comply with the order of on transfer.
7. With such direction, the petition is disposed off.

Sd/-
(Goutam Bhaduri)
Judge