

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3297 of 2016

- Smt. Lochan Rathia W/o Jayant Rathia, Aged About 25 Years
Assistant Teacher Panchayat, Govt. Primary School, Vijaypur,
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. Gary Mukhopadhyay, Dy. GA on advance copy.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

01/08/2016

Heard.

1. Challenge is made to the transfer order of the petitioner from
Raigarh District to Mungeli 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)
Judge