

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3527 of 2016

Thadius Kujur S/o Late Shri S. Kujur, Aged About 55 Years R/o Kududand,
Mangla Road, Police Station Civil Lines, Bilaspur, District Bilaspur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Commerce & Industries Department, Mantralaya, New Raipur, P. S. Rakhi, District Raipur (Chhattisgarh)
2. The Director, Industrial Secretariat, Udyog Bhawan, Ring Road No. 1, Telibandha, Raipur, District Raipur (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Prateek Sharma, Advocate
For State	:	Shri D.R. Minj, Dy. Govt. Advocate

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

09/08/2016

Heard on admission.

1. The transfer order has been challenged mainly on the ground that the petitioner's wife is posted at Assistant Teacher in Govt. School at Bilaspur and while transferring the petitioner from Bilaspur to Dantewada, the policy of keeping the husband and wife together as far as possible, subject to administrative exigency, has not been kept in view. It is also submitted that the petitioner has some medical ailment as well.
2. The posting of husband and wife at one place is always subject to administrative exigency. Though attempts have to be made to keep husband and wife together at one place or at nearby station as far as possible. In case of administrative exigency, the Govt. is always free to post a Govt. servant at appropriate place. In the present case, the petitioner has also completed 5 years at the preset place of posting. However, considering that the petitioner's wife is also posted at

Bilaspur, this aspect may be considered by respondent authority to consider whether the petitioner and his wife can be posted at one or nearby station.

3. It is found that the petitioner has not filed any representation and filed this petition. Therefore, it is directed that in case, the petitioner prefers representation within a period of 10 days from today, the transferring authority shall consider petitioner's representation within a further period of 4 weeks, to explore the policy of posting petitioner and his wife together at one or nearby station.
4. For a period of 15 days, no coercive steps shall be taken against the petitioner.
5. With the aforesaid observation/direction, the petition is finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge