

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3549 of 2016

Smt. Kanta Tigga W/o Walter Lakda, Aged About 46 Years R/o Bardiya Vihar, Amlidih, Raipur, Police Station And Post Raipur, Civil And Revenue District Raipur, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through: Secretary, Women & Child Welfare Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur, (Chhattisgarh)
2. Director, Women & Child Welfare, Directorate, New Raipur, District Raipur, (Chhattisgarh)
3. Smt. Saraswati Soni, Supervisor, Integrated Child Development Project, Bhatapara, Sector, Bhatapara (Rural), District Baloda Bazar (Chhattisgarh)

---- Respondents

For Petitioner : Shri Manoj Paranjpe, Advocate
For Respondent-State : Shri S.P. Kale, Dy. A.G., on advance copy.

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

Order On Board

10/08/2016

Heard on admission.

The transfer order is under challenge mainly on the ground that presently the petitioner and her husband both are posted at Raipur and by impugned order, the petitioner is being transferred to Bagbahra, District Mahasamund, which is about 80 km. away from Raipur.

2. Learned counsel for the petitioner submits that while passing transfer order, the policy of keeping husband wife together, as far as possible and subject to administrative exigency, has not been kept in view. It is also submitted that the only operative reason for transfer of the

petitioner is accommodation of respondent No.3, who has been transferred on her own request from Bhatapara, Balodabazar to Raipur.

3. The material on record does not prima facie show that it is a case of malafide accommodation. The petitioner has remained posted at the present place for the last about four years. The place where she is being posted, cannot be said to be so far away from Raipur as to warrant interference by the writ Court only on that ground.

4. However, considering that there is a policy of the Government to keep the husband wife together at the same place or at nearby stations, as far as possible, on this aspect, if any representation is submitted by the petitioner, the same shall be considered and decided by the Transferring Authority within a period of four weeks to explore the possibility whether the petitioner and her husband both could be posted at the same place or at nearby stations.

5. The petition is accordingly disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge