

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3626 of 2016

- Chandrabhan Das Mahant S/o Late Sukhdas Mahant, Aged About 52 Years Occupation Service, Presently Posted As Assistant Grade II, Office Of Block Education Officer, Bemetara, Civil And Revenue District Bemetara (Chhattisgarh).

---- Petitioner

Versus

1. State of Chhattisgarh Through The Secretary, Department of School Education Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh).
2. Commissioner, Division Durg (Chhattisgarh).
3. Collector, Bemetara, District Bemetara (Chhattisgarh).
4. Block Education Officer, Bemetara, District Bemetara (Chhattisgarh).

---- Respondents

For Petitioner : Mr. Avinash Singh, Advocate
For State : Mr. D.R. Minj, Dy. Govt. Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

11/08/2016

Heard.

1. The transfer order has been challenged by the petitioner on two grounds. Firstly, that the petitioner has been posted at the present place since 20.07.2015 and within one year, he has again been transferred, whereas, his wife is posted and working as Lecturer (Panchayat) in Govt. Higher Secondary School, Mohanbhatta, Block–Berla, which is nearby the present place of posting of the petitioner. Transfer Policy for keeping husband wife together at the same station or nearby station, has not been considered by the transferring authority. It is also submitted that petitioner is suffering from disability to the extent of 50%.

2. It appears that the petitioner and his wife are not posted in the same place and now by the impugned order, he has been transferred to a place which is about 50 km away only.
3. However, considering that the petitioner is suffering from leg amputation, the competent authority is directed to consider the petitioner's case whether he could be adjusted at the same place or he and his wife could be posted at the same station or nearby station. Decisions may be taken within a period of three weeks. For three weeks, no coercive steps shall be taken provided no one has joined at the place of posting of the petitioner.
4. The petition is accordingly disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge