

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3808 of 2016

Shivshanker Gupta S/o Sukhdev Gupta, Aged About 52 Years Assistant Grade II, Govt. High Secondary School, Gandhi, Nagar, Block And Police Station Ambikapur, District Surguja Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of School Education Mahanadi Bhavan, Mantralaya, New Raipur Chhattisgarh
2. Collector, Surguja, District Surguja Chhattisgarh
3. District Education Officer, Ambikapur, District Surguja Chhattisgarh

---- Respondents

For Petitioner	:	Shri Sushobhit Singh, Advocate
For State	:	Shri Dhiraj Wankhede, Govt. Advocate

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

Order On Board

16/08/2016

Heard on admission.

1. The transfer order is under challenge on the ground that while transferring the petitioner, the policy of the Govt. to keep husband and wife together at the same or nearby station as far as possible subject to administrative exigency has not been kept in view. The petitioner is posted as Assistant Grade-II at Gandhinagar, Block-Ambikapur and his wife is posted as Auxiliary Nurse Midwife (ANM) at Bhaphauli which is in the same block. Now the petitioner is being transferred to Jari, which is about 50 k.m. away from present place of posting.
2. In the petition, the petitioner has not disclosed as to what is the distance

of his present place of posting from the place where presently his wife is posted. Moreover, the distance of Jori to Bhaphauli has also not been stated in the petition. Moreover, the petitioner appears to have been posted at the present place of posting since long. Therefore, he has become due for transfer. However, considering that there is a policy of the Govt. to keep husband and wife together at the same or nearby station, it is open for the petitioner to prefer representation on this ground, which shall be considered by the competent authority/transferring authority to explore the possibility of keeping the petitioner and his wife together at the same or nearby station. The decision shall be taken by the authority within a period of 4 weeks from the date of receipt of the representation.

3. With the aforesaid observation/direction, the petition is finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge