

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3880 of 2016

- Kishore Kumar Choure S/o Shri Sitaram Choure, Aged About 53 Years Posted As Assistant Grade III, Office Of The Assistant Labour Commissioner, Raipur, District Raipur, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Labour, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, (Chhattisgarh)
2. Labour Commissioner, Chhattisgarh, Raipur, District Raipur, (Chhattisgarh)

---- Respondents

For Petitioner : Mr. Vikas Dubey
For State : Mr. D.R. Minj, Dy. Government Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

19/08/2016

1. The only ground to challenge the transfer order is that while transferring the petitioner, the Government Policy of keeping husband wife together either at the same station or at nearby stations to the extent it is permissible and possible, subject to administrative exigency. It is submitted that the petitioner is presently posted at Raipur whereas his wife is posted as Accountant at the Collectorate, Durg. Now, the petitioner is transferred to Bilaspur whereas, his wife remained posted at Durg.
2. The petitioner has remained at the present place of posting since 2010, therefore, he has become due for transfer. He has been transferred to Bilaspur. It appears that wife of the petitioner remained posted at Durg.

There is a Policy of the State Government to keep husband wife together either at the same stations or at nearby stations. However, this Policy is always subject to administrative exigency in the public interest and posting cannot be claimed as right. It is for the State authority to consider and not for the Court.

3. Nevertheless, the State may consider and explore the possibility whether the wife of petitioner can be adjusted at the same station or nearby station where the petitioner is now being transferred.
4. The petitioner has already preferred representation to the State Government. Let it be decided within a period of four weeks.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Chandra