

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4632 of 2016**

Smt. Shakuntala Rathore W/o Meghraj Rathore, Aged About 35 Years Occupation Service, Working As A Lecturer, Government High School Mura, Block- Kharsiya, District Raigarh, (Chhattisgarh), R/o Qtr. B-4, Jawahalal Nehru Vidhyalaya Campus Bhupdeopur, Tehsil- Kharsiya, Disttict Raigarh, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Panchayat And Rural Development Mantralaya, Mahanadi Bhawan, Naya Raipur, (Chhattisgarh)
2. Chief Executive Officer, Zila Panchayat, Bilaspur, District Bilaspur, (Chhattisgarh)
3. Chief Executive Officer, Zila Panchayat, Raigarh, District Raigarh (Chhattisgarh)
4. Principle, Government Higher Secondary School Mura, Block- Kharsiya, District Raigarh, (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Ashok Soni, Advocate
For Respondent-State	:	Mr. Bhaskar Pyashi, P.L.

Hon'ble Shri Manindra Mohan Shrivastava, J.
Order on Board

08/09/2016

Heard.

1. The petitioner has challenged legality and validity of memo dated 30/06/2016, by which, the State has directed cancellation of those transfer orders, which have been issued to adjust husband and wife together in case where spouse is the employee of Central Government or Railways.

2. Learned counsel for the petitioner submits that in cases where order of transfer has already been issued, it could not be cancelled.

3. Learned State counsel submits that the occasion arose to issue the impugned order by the State Government because in many cases, the policy to

keep husband and wife together was found to be wrongly applied because spouse was either an employee of Central Government or Railways.

4. Quite obviously, the Government policy to keep husband and wife together, as far as possible subject to administrative exigency, is applicable only in cases where the spouse is employee of State Government, Teacher of Panchayat cadre or employee of any Corporation, Nigam, Mandal or Ayog. However, at the same time, in view of the settled legal position, a transfer order, which has already been executed, could not be cancelled.

5. In view of the above, it has to be observed that in all cases where it is found that the transfer order has been executed, it should not be cancelled but then, if there is appropriate ground available, it would be open for the competent authority to pass afresh order for transfer. Case of the petitioner shall also be properly scrutinized and appropriate order be passed in accordance with law.

6. With the aforesaid observation, the petition is disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge