

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5426 of 2016

Smt. Shanta Saroj Tigga (Ekka) W/o Shri Habil Ekka, Aged About 54 Years Working On The Post Of Supervisor, Women And Child Development Department, Integrated Child Development Project, Darima (Ambikapur-2), District Surguja, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Women And Child Development Department, Mantralaya, Mahanadi Bhawan, Capital Complex, Naya Raipur, Post Office Rakhi, District Raipur, (Chhattisgarh)
2. Senior Secretariat Committee General Administration Department, Through The Secretary, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, (Chhattisgarh)
3. Under Secretary, State Of Chhattisgarh, Women And Child Development Department, Mantralaya, Mahanadi Bhawan, Capital Complex, Naya Raipur, Post Office Rakhi, District Raipur, (Chhattisgarh)
4. Director, Women And Child Development Directorate Naya Raipur, District Raipur, (Chhattisgarh)
5. Collector, Surguja, Ambikapur, District Surguja, (Chhattisgarh)
6. District Program Officer, Women And Child Development Department Ambikapur, District Surguja, (Chhattisgarh)
7. Project Officer, Integrated Child Development Project, Darima (Ambikapur-2), Sector- Barganwa, District Surguja, (Chhattisgarh)
8. Smt. Savitri Singh, Supervisor Integrated Child Development Project Pratappur, Sector- Revti, District Surajpur, (Chhattisgarh)

---- Respondents

Shri V.K.Pandey, counsel for the petitioner/s.
Shri D.R.Minj, Dy.G.A. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

27/10/2016

This is second round of litigation.

The petitioner has now challenged order dated 06/09/2016, by which, the

representation of the petitioner has been rejected.

3. Learned counsel for the petitioner submits that the respondents ought to have taken into consideration that the husband of the petitioner was transferred at Ambikapur vide order dated 23/07/2016 on the ground of keeping the husband and wife together. Therefore, transferring the petitioner vide impugned order dated 30/07/2016 was highly arbitrary and it would frustrate the very purpose of posting the petitioner's husband at Ambikapur. By impugned order, the petitioner has been transferred to a place which is about 100 kms away.

4. It appears that the petitioner had completed her normal tenure of posting and she was due for transfer, but before her transfer to another station, her husband was transferred to Ambikapur vide order dated 23/07/2016. That gave the petitioner an occasion to challenge the transfer order on the ground that husband and wife should be posted together at same station.

5. Claim of right to be posted at the same place by the husband or wife, is always subject to exigencies of service. The petitioner has already completed her normal tenure of service at the present place and she cannot claim immunity for transfer. As the petitioner has remained at the present place for a sufficient long time, that by itself is sufficient to transfer the petitioner from the present place. Therefore, to that extent, I am not inclined to interfere with the order.

6. There may, however, one way out to consider the aspect of posting the petitioner at some other place, which may be nearer to Ambikapur. Considering that petitioner's husband is posted at Ambikaur and will continue there till he completes his normal tenure, only to that extent, possibility may be explored by the authorities to transfer the petitioner to any other place nearer to Ambikapur. This would, however be subject to administrative exigency and the petitioner should not take it as her right of posting.

7. If in this exercise, it is found that there is possibility of posting of the petitioner at any station nearer to Ambikapur, such modification may be done as early as possible.

8. With the aforesaid observation, the petition is finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge