

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 5752 of 2016**

- Mohan Lal Painkra S/o Sudhram Painkara Aged About 46 Years Working As Assistant Account Officer, Block- Kasdol, District Balodabazar, Chhattisgarh

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through- The Secretary, Panchayat And Rural Department, Mantralaya, Mahanadi Bhawan, New Raipur, District- Raipur, Chhattisgarh
2. Commissioner Cum Director Panchayat, Indrawati Bhawan, New Raipur, District- Raipur, Chhattisgarh

**---- Respondents**

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For Petitioner : Mr. C.Jayant K. Rao, Advocate  
For State : Mr. B. Gopa Kumar, Dy. Advocate General  
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**Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Order On Board**

**20/10/2016**

Heard.

1. This is second round litigation. The transfer order has been challenged on the ground that while transferring the petitioner to another district, the policy of keeping husband wife together either at same place or nearby station, as far as possible and subject to administrative exigency, has not been kept in view. This Court has disposed off earlier petition with a direction to consider the representation.
2. The representation of the petitioner has been rejected mainly on the ground that the petitioner has remained posted in the present place of posting since 2006 and he has been transferred on the ground of several complaints made against him, that by itself is sufficient to transfer the petitioner.
3. The consideration of keeping husband wife together either at same place or at nearby station is always subject to administrative exigency and public interest and does not over ride it. On facts of the present case, I do not find any illegality while transferring the petitioner on the basis of exigency stated in the impugned order. No interference is warranted.

4. Learned counsel for the petitioner, at this stage, submitted that the direction be issued to transfer the wife of the petitioner at or nearby place to the place of posting of the petitioner at the instance of the petitioner. Such a direction cannot be issued by this Court. It is, however, observed that if the petitioner's wife submits application for her transfer before the competent transferring authority, it will be open for it to consider her transfer keeping in view of the policy for keeping husband wife together either at same place or at nearby station, subject of course, to the exigency of service and public interest.
5. With the said observation, the petition is dismissed.

Sd/-  
**(Manindra Mohan Shrivastava)**  
Judge