

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P.(S) No. 6533 of 2016**

Shital Kumar Sahu S/o J.L. Sahu, Aged About 44 Years Occupation Service, Presently Working As Training Officer At Women Industrial Training Institute Bhilai, District Durg Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Skill Development, Technical Educaiton And Employment Mahandi Mantralaya Naya Raipur, Post Office & Police Station Naya Raipur, Distirct Raipur Chhattisgarh
2. Director, Directorate Of Technical Education, Indrawati Bhawan, Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, Distirct Raipur Chhattisgarh
3. Principal, Women Industrial Training Institute, Bhilai, District Durg Chhattisgarh
4. Ajay Kumar Mallewar, Training Officer, Industrial Training Institute, Tapakara, Distirct Jashpur Chhattisgarh

---- **Respondent**

For petitioner - Shri Malay Shrivastava, Advocate.

For Respondent/State – Shri Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order****1/12/2016**

1. By the present petition the petitioner has challenged the transfer order dated 28/10/2016 filed as Annexure P-1 whereby the petitioner who was working as Training Officer in Women ITI, Bhilai has been transferred to ITI Tapkara at Jashpur.
2. Learned counsel for the petitioner would submit that wife of the petitioner is also working at ITI Bhilai and the transfer has been made in mid session and as per transfer policy of the State Government the transfer can only be made in between period 15th June to 15th July, 2016 and the transfer has been made in the month of October, 2016 within ban period, the same is violative of the policy itself. Therefore, petitioner's transfer order may be stayed.

3. Learned State counsel opposes the same.

4. Perusal of the documents would show that the petitioner is working in ITI Bhilai from 2009. By the transfer order another seven people were transferred from one place to other. Transfer being incident of service, same cannot be interfered in judicial review, as the State Government is the sole arbitrator to consider and decide to place and post its employee. It is been stated that the wife of the petitioner is also working in same place and as per policy of the State Government as far as possible both husband and wife be kept in the same place, but such policy is not mandatory and has a statutory binding. In a result, this court is not inclined to interfere in such transfer order.

5. In these circumstances, it is directed that in case, the petitioner prefers representation within a period of 10 days from today, the transferring authority shall consider and decide the representation within a period of four weeks from the date of submission of representation in view of government's policy to keep husband and wife together as far as possible subject to administrative exigency.

6. For a period of five weeks, no coercive steps shall be taken against the petitioner.

7. With the aforesaid observation, this petition is finally disposed off.

Sd/-

(Goutam Bhaduri)

JUDGE