

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1298 of 2016

Smt. Krishna Kumari Choudhary W/o Shri Dr. Dinanath Choudhary, Aged About 44 Years Presently Posted As Assistant Teacher (Panchayat), Grade-III, At Govt. Primary School Uraonpara, Pandripani (East), Janpad Raigarh, District Raigarh, R/o House No. 302, Street No.1, Ward No. 39, Vikasnagar Kotraroad, Raigarh, District Raigarh, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through: The Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhawan, Mantralaya, New Raipur, (Chhattisgarh)
2. Collector, Raigarh, District Raigarh, (Chhattisgarh)
3. Collector , Kabirdham, District Kabirdham, (Chhattisgarh)
4. Chief Executive Officer, District Panchayat, Raigarh, (Chhattisgarh)
5. Chief Executive Officer , District Panchayat, Kabirdham, (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Anchal Kharya, Advocate.
For State	:	Mr. Dheeraj Wankhede, Government Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

24/06/2016

Heard.

1. Challenge is made to the transfer order of the petitioner from Raigarh District to Kabirdham District on the ground that the transfer has been made in violation of the policy of posting husband and wife at the same place as far as possible.
2. Learned counsel for the petitioner submits that the representation has been made highlighting that the husband of the petitioner is posted in the same district and therefore, she ought not to be treated as surplus employee in view of the policy

decision of keeping husband wife together.

3. As far as the challenge to the transfer order on the ground that it violates the policy of keeping the husband wife together is concerned, the representation of the petitioner requires consideration. However, it has to be noted that these transfer guidelines normally do not create any right but at the same time if subject to administrative exigency and public interest, it needs consideration at the end of the Transferring Authority. That is what the policy also says.

4. In view of the above circumstances, I am not inclined to keep this matter pending because subject to administrative exigencies, transferring Authority should look into the matter and take a decision thereon at the earliest. It has also to be noted that in matters of transfers, where the policy decision contemplate representation, as soon as representation are made, the same are required to be decided and it should not be kept pending.

5. In the result, this petition at this stage is disposed off with the direction to the transferring Authority to take decision on the petitioner's representation. The decision should be taken within a period of three weeks from the date of receipt of copy of this order. For a period of three weeks, the petitioner shall not be compelled to proceed on transfer. The direction granted by this Court is subject to the condition that the copy of this order should be placed by the petitioner before the competent authority within 10 days from today.

Sd/-

(Manindra Mohan Shrivastava)
J U D G E