

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3767 of 2016

- Dr. Narendra Pratap Singh S/o Shri Bagar Singh, Aged About 40 Years
Presently Working As Block Medical Officer, Pratappur, District Surajpur
Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secreary, Health Departmetn, Mantralaya,
Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh
2. Chief Medical & Health Officer, Surajpur, District Surajpur Chhattisgarh

---- Respondents

For Petitioner	:	Shri CJK Rao, Advocate
For Respondent/State	:	Shri D. R. Minz, Dy.GA

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

12/08/2016

Heard.

2. The ground of challenge against the impugned transfer order is that while transferring the petitioner, the government transfer policy to keep husband and wife together as far as possible subject to administrative exigency, has not been kept in view.

3. Learned counsel for the petitioner submits that the petitioner is posted at Block-Pratappur and his wife is also posted at Government Middle School Khajuri, Block Pratappur. By the impugned transfer order, the petitioner is now transferred to District Jashpur, which is in violation of the government transfer policy.

4. There is no averment made in the petition with regard to period, from which, the petitioner has remained posted at the present place of posting. Therefore, it has to be presumed that the petitioner has become due for transfer and he could be transferred. The petitioner cannot claim to continue at the present place of posting indefinitely only

on the ground that his wife has been posted at nearby station.

5. However, considering the government transfer policy, the petitioner may request the transferring authority by filing a representation that wife of petitioner may be transferred at the same place of posting where the petitioner has now been transferred or nearby stations. The transferring authority shall consider and decide the representation within a period of four weeks from the date of receipt of representation.

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

SD/-
(Manindra Mohan Shrivastava)
Judge