

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No.3852 of 2016**

- Jeewan Masih Kindo S/o Paul Sai Kindo, Aged About 32 Years Presently Posted As Assistant Grade- II At Tahsil Office, Baikunthpur, District Koriya : R/o Village Aamnagar, Tahsil Baikunthpur, District Koriya (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Revenue & Disaster Management Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
2. Collector, Koriya District Koriya, Baikunthpur (Chhattisgarh)
3. Sub Divisional Officer (Revenue), Baikunthpur, District Koriya, Baikunthpur (Chhattisgarh)
4. Tahsildar, Baikunthpur, District Koriya, Baikunthpur (Chhattisgarh)
5. Mansai Ekka, Presently Posted As Assistant Grade- II At Tahsil Office, Khadgawa, District Koriya (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Mateen Siddiqui, Advocate
For Respondent/State	:	Shri D. R. Minz, Dy.GA

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****17/08/2016**

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

2. Learned counsel for the petitioner submits that the wife of the petitioner is posted at Patwari Halka No.11, Tahsil Baikunthpur, District Koriya, which is about 5 KM away from the present place of posting of the petitioner, whereas by the impugned order, the petitioner has been transferred from Tahsil Office Baikunthpur to Tahsil Office Bharatpur, which is 155 K.M. Away.

3. It appears that the petitioner has remained posted at Tahsil Office Baikunthpur, Sub Tahsil Patna and office of SDO (Revenue), Baikunthpur, which are nearby stations, since quite some time, for that reason, he has been shifted to Bharatpur. However, considering that the petitioner's wife is posted at Patwari Halka No.11, Village Narkeli, Tahsil Baikunthpur, the transferring authority/Collector, who appears to be the controlling authority, may consider posting of the petitioner and his wife either at the same station or nearby stations as far as possible subject to administrative exigency.
4. In this case, representation has not been made. Therefore, in case, the petitioner prefers representation within a period of 10 days, which shall be considered and decided by the respondent No.2-Collector within a period of three weeks, as per rules.
5. With the aforesaid observation, this petition is finally disposed off.

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