

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3728 of 2016**

Chitranjan Patnaik S/o Subhash Patnaik, Aged About 32 Years Occupation Rural Medical Assistant, Primary Health Centre, Tundri, Block Dabhara, Distt. Janjgir Champa (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Health And Family Welfare Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, Distt. Raipur (Chhattisgarh)
2. Additional Secretary, Health And Family Welfare Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, Distt. Raipur (Chhattisgarh)
3. Director, Directorate Of Health And Family Welfare Department, Raipur, Distt. Raipur (Chhattisgarh)
4. Santosh Kumar Soni, Primary Health Center, Gholeng, Distt. Jashpur (Chhattisgarh)

---- Respondents

For Petitioner	:	Smt. Indira Tripathi, Advocate
For Respondent-State	:	Mr. Dheeraj Wankhede, Govt. Advocate, on advance copy.

Hon'ble Shri Manindra Mohan Shrivastava, J.**Order on Board****12/08/2016**

Heard on admission.

1. The transfer order is under challenge on the ground that the petitioner has been transferred from District Janjgir-Champa to District Surajpur, though his wife is recently posted at District Janjgir-Champa.
2. Keeping in view the policy of State Government that as far as possible, husband and wife have to be posted either in the same place or nearby station, petitioner's wife, who was posted at District Jashpur, has been recently

transferred to District Janjgir-Champa vide order dated 28/05/2016 and without considering the aspect of transfer policy, the petitioner has been transferred from District Janjgir-Champa to District Surajpur.

3. It appears that petitioner has remained posted at District Janjgir-Champa since January, 2015 and his wife was posted at District Jashpur. On a representation made by his wife, she has been transferred from District Jashpur to District Janjgir-Champa in the month of May, 2016 keeping in view the policy of State Government to keep husband and wife together either in the same place or nearby station. It also appears that transfer order of the petitioner has been passed without taking into consideration this aspect. Therefore, it is a fit case, where the respondent authorities should consider and decide whether the petitioner and his wife can be posted at same station or nearby station subject to administrative exigency.

4. It is stated that the petitioner has already made a representation before the competent authority, which has not been considered and decided till date. Therefore, it is directed that competent authority shall consider and decide the representation of the petitioner within a period of six weeks from today.

5. For a period of six weeks, no coercive steps shall be taken against the petitioner to compel him for joining at the transferred place, subject to condition that respondent No. 4 is not joined till date at the present place of posting.

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

Sd/-

(Manindra Mohan Shrivastava)
Judge