

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2922 of 2016

- Ajit Kumar Tirkey S/o Shri Jakarius Tirkey, Aged About 35 Years Panchayat Inspector (Social Education Organizer), Posted At Janpad Panchayat Pandariya, Civil And Revenue District Kabirdham (Chhattisgarh) R/o Village Samartal, Post Tapkara, Civil And Revenue District Jashpur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Society Welfare Department, Mantralay, Mahanadi Bhawan, Capital Complex, Naya Raipur, District Raipur (Chhattisgarh)
2. The Additional Secretary, Society Welfare Department, Mantralay, Mahanadi Bhawan, Capital Complex, Naya Raipur, District Raipur (Chhattisgarh)
3. The Deputy Director, Panchayat And Society Welfare Department, District Kabirdham (Chhattisgarh)
4. The Collector (Panchayat), Kabirdham (Kawardha) District Kabirdham (Chhattisgarh)
5. The Chief Executive Officer, Zila Panchayat, Kabirdham, District Kabirdham (Chhattisgarh)
6. The Chief Executive Officer, Janpad Panchayat Pandariya, District Kabirdham (Chhattisgarh)

---- Respondents

For Petitioner : Mr. Dharmesh Shrivastava, Advocate
For State/respondent : Mr. S.P. Kale, Dy. A.G. on advance copy.
Nos. 1 to 4

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

20/07/2016

Heard.

1. The transfer order has been challenged on the ground that the petitioner has been transferred, whereas, his wife has remain posted in the nearby station.
2. Learned counsel for the petitioner submits that there is a policy to keep husband and wife together in same place as far as possible subject to exigency of administration and public interest. It is next submitted that the petitioner had remained posted in Bastar District

for three years before he was transferred to Kabirdham District in the year 2011, therefore, sending him again to Baster District is bad.

3. As far as the second ground is concerned, learned counsel for the petitioner could not point out any special policy that he could not be again sent to that place where from he came, even though, he has served for five years at the present place of posting.
4. On one hand, petitioner himself has admitted that he has completed five years at the present place of posting and on the other hand, there exists Government policy to keep husband and wife together at same place, as far as possible. However, this policy is subject to administrative exigency and public interest. The respondent - transferring authority should consider case of the petitioner in accordance with the terms of Government policy of keeping husband and wife in one place.
5. In this case, it is found that petition is filed without filing any representation, therefore, in this situation the only direction that can be issued is that if the petitioner submits representation before respondent No.1 within 10 days from today, his representation be decided preferably within a period of three weeks. For the next four weeks, coercive steps shall not be taken against the petitioner.
6. The petition is accordingly disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge