

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3485 of 2016

Mahesh Gupta S/o D.P. Gupta, Aged About 56 Years R/o H.N. 298 Krishna Village Gayatrimandir, Boerdadar, Raigarh Tahsil & District Raigarh Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Cooperative Society Mantralaya, New Raipur District Raipur Chhattisgarh
2. The Registrar, Cooperative Society Indravati Bhawan, New Raipur District Raipur Chhattisgarh
3. The Sub Registrar, Cooperative Society, Raigarh, District Raigarh Chhattisgarh
4. N.R. Borkar, Assistant Grade 2, Office Of Sub Registrar, Cooperative Society, Kanker District Kanker Chhattisgarh

---- Respondents

For Petitioner	:	Shri V.K. Pandey, Advocate
For State	:	Shri R.K. Gupta, Dy.A.G.

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

08/08/2016

Heard on admission.

1. Challenge to the transfer order is based on the ground that while transferring the petitioner, the policy of the State Govt. to keep the husband of wife together as far as possible and subject to administrative exigency has not been kept in view.
2. Submission of learned counsel for the petitioner is that the petitioner has remained posted as Assistant Grade-II in the office of Sub-Registrar, Co-operative Society, Raigarh since 2012. The wife of the petitioner is posted as

Upper Division Teacher in the Govt. Higher Secondary School, Chakradhar Nagar, Raigarh. By the impugned order, the petitioner has been transferred to Kanker. However, while transferring the petitioner, Govt. policy of keeping the husband and wife together either at the same place or at nearby station is required to be taken into consideration to the extent it is possible to adjust husband and wife subject to exigency of administration. As the petitioner and his wife both are Govt. servants, this aspect be considered by the State Govt.

3. The petitioner has preferred a representation on 1.8.2016. Let a fresh representation be submitted through proper channel within 10 days from today. If that is done, the representation of the petitioner shall be decided by the authority within a period of 4 weeks. Considering that the petitioner has already remained posted for long time at the present place of posting, the Govt. may consider amendment in the transfer order to keep the husband and wife together at one or nearby station as far as possible either by changing posting of the petitioner or by changing posting of petitioner's wife.
4. For a period of 5 weeks, if no one has joined at the place of the petitioner, no coercive steps shall be taken against the petitioner.
5. With the aforesaid observation/direction, the petition is finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge