

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.3936 of 2016**

Kishanlal Sone S/o Shri Loknath Sone, Aged About 33 Years Occupation Rural Medical Assistant (R.M.A.) Primary Health Center, Tilda, District Janjgir Champa R/o Old Hospital Campus, Ward No 21, Janjgir District Janjgir Champa Chhattisgarh

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through The Secretary, Health And Family Welfare Department Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh
2. Chief Secretary, N.K. Aswal President, Of Transfer Coordinator Committee, Mahanadi Bhawan Naya Raipur, District Raipur Chhattisgarh
3. Additional Secretary, Health And Family Welfare Department Mantralaya Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh
4. Director, Health And Family Welfare Department, Indiravati Bhawan, Raipur, District Raipur Chhattisgarh

---- **Respondents**

For Petitioner	:	Smt. Indira Tripathi, Advocate
For Respondent-State	:	Mr. Shangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Manindra Mohan Shrivastava, J.**Order on Board****22/08/2016**

Heard on admission.

1. The transfer order is under challenge on the ground that while passing the transfer order, the policy of keeping husband and wife together, as far as possible and subject to administrative exigency, has not been kept in view.
2. Learned counsel for the petitioner submits that the petitioner is presently posted at Primary Health Center, Tilai, District Janjgir-Champa and his wife is posted at Primary Health Center, Janjgir, District Janjgir-Champa. It is submitted

that both places are in the same district. Now by impugned order, petitioner has been transferred to District Surajpur, which is 250 kms. away from Janjgir-Champa. She also submits that his wife has undergone surgery in the month of January, 2016, therefore, it causes severe hardship if the petitioner has been transferred to Surajpur.

3. It appears that the petitioner has remained posted at the present place of posting since 30/09/2013, thus, he becomes due for transfer. However, considering that there is existing policy of State Government to keep husband and wife together, as far as possible, the respondents authority may explore the possibility to keep the petitioner at the transferred place and his wife can be adjusted from the nearby station.

4. The petitioner has already filed a representation, which is not considered and decided till date. It is directed that the petitioner's representation may be considered and decided by the competent authority within a period of four weeks.

5. With the aforesaid observation, the petition stands finally disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge