

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5177 of 2016

Alakh Ram Sahu S/o Late Prem Singh Sahu, Aged About 56
Years R/o Basantpur, Rajnandgaon, District Rajnandgaon
Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of School Education Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh
2. Under Secretary, Department Of School Education, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh)
3. Director, Directorate Of Public Instructions, Chhattisgarh Raipur District Raipur (Chhattisgarh)
4. District Education Officer, Rajnandgaon, District Rajnandgaon, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Adil Minhaj, Advocate
For Respondent-State	:	Mr. D.R. Minj, Dy. G.A.

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

Order On Board

26/09/2016

Heard on admission.

1. The transfer order is to challenge on the ground that while transferring the petitioner, the policy of the Government to keep husband wife together at one station as far as possible and subject to exigency of service has not been kept in view.

2. Learned counsel for the petitioner submits that the petitioner is presently posted at Kumarda, Block Chhuriya in the Middle School as Head Master and his wife is posted as Lecturer in Municipality School at Dongargaon, which is about a distance of 12 km.

3. Now, under the impugned order of transfer, the petitioner has been transferred to Bakarkarta which is about 170 km. away.

4. Submission of learned counsel for the petitioner is that before transferring the petitioner to such a distinct place, the respondents ought to have first explored the possibility to post the petitioner at a nearby station, if possible, subject to exigency of service. The next submission is that the petitioner's wife is suffering from certain ailment for which, she requires proper assistance of the petitioner for being taken frequently to medical college at Rajnandgaon. It is also submitted that the petitioner is an office bearer and presently holding the office of Block President of employees association.

5. It is found that the petitioner's wife has been posted in Municipality School and the petitioner is posted in the School governed by Educational Department. In the petition, there is no reference to the period for which the petitioner has remained posted at the present place, therefore, it has to be presumed that the petitioner has completed his normal tenure of posting at the present place. Therefore, that by itself, without anything more, constitute administrative service to transfer. However, keeping in view, the policy of the State Government to consider posting of husband wife together as far as possible and subject to exigency of service, the respondent-Transferring Authority may explore the possibility whether it is possible to adjust the petitioner at a nearby station. It is made clear that this would be always subject to exigency of service.

6. The other ground of illness of the wife, on the basis of the

material placed before this Court, are not of such an acute exigency which should warrant interference by this Court.

7. However, while considering the transfer of the petitioner on the ground of husband wife adjustment, this aspect may also be taken into consideration.

8. For want of specific pleading with regard to the period for which the petitioner has remained posted at the present place, I am not inclined to grant any benefit on the ground that the petitioner is an office bearer of the employees association.

9. In view of the above, this petition is disposed off with the direction that the representation filed by the petitioner shall be considered and decided within a period of six weeks from the date of receipt of copy of this order.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Rekha