

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 529 of 2016**

Kishan Lal 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

---- Appellant**Versus**

1. State Of Chhattisgarh Through- The Secretary, Health & Family Welfare Department, Matralaya, Mahanadi Bhavan New Raipur, District- Raipur, Chhattisgarh
2. Chief Secretary N.K. Aswal President, Tranfer Coordinatior Committee,mahanadi Bhavan New Raipur, District- Raipur, Chhattisgarh
3. Additional Secretary, Health & Family Welfare Department, Mantralaya, Mahanadi Bhavan New Raipur, District- Raipur, Chhattisgarh
4. Director, Helath & Family Welfare Department, Indiravati Bhawan, Raipur, District- Raipur, Chhattisgarh

---- Respondents

For Appellant : Shri H.V. Sharma, Advocate.
 For Respondent/State : Shri Arun Sao, Deputy Advocate General.

Hon'ble Shri Deepak Gupta, Chief Justice
Hon'ble Shri Sanjay Agrawal, J.

Judgment on Board**Per Deepak Gupta, Chief Justice****21/11/2016**

1. This appeal by the Writ Petitioner is directed against the judgment dated 22.8.2016 delivered by Learned Single Judge of this Court in Writ Petition (S) No.3936 of 2016 whereby the petition filed by the Appellant challenging his order of transfer has been dismissed.
2. Admittedly, the Appellant has been working at Janjgir-Champa from 13.9.2013 and has completed more than three years of service at Janjgir-

Champa. He has been posted to Surajpur which is a tribal area. He challenged his transfer mainly on the ground that his wife is posted in a nearby station to Janjgir-Champa and therefore, he may be adjusted near to Janjgir-Champa.

3. The Learned Single Judge while rejecting the petition directed that the State Government may explore the possibility to keep the Appellant at the transferred place and his wife can be adjusted from the nearby station. The grievance of the Appellant in this appeal is that in view of the order of the Learned Single Judge, his wife will also be transferred to Surajpur.

4. We clarify the order of the Learned Single Judge to the limited extent that unless the wife of the Appellant makes a representation that she be posted at a station nearby to her husband, the State Government shall not take any steps to transfer his wife. As far as the representation of the Appellant is concerned, the same may be considered by the State Government, in case no order has been passed on his representation till date.

5. With the aforesaid observation/direction, writ appeal stands disposed of.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE

Sd/-
(Sanjay Agrawal)
Judge