

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1112 of 2016

Shashi Singh W/o Pushpendra K. Singh, Aged About 42 Years R/o House No. G 11, Civil Line, Kasaridih, Durg, Police Station And Post Durg, Civil And Revenue District Durg Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Food, Civil Supplies And Consumer Protection Department, Mahandi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur Chhattisgarh
2. Director, Food, Civil Supplies And Consumer Protection, Directorate Block No. 2, 3rd Floor, Indrawati Bhawan, New Raipur, District Raipur Chhattisgarh
3. Vivek Mishra, Food Inspector, Kondagaon, Police Station And Post Kondagaon, Civil And Revenue District Kondagaon Chhattisgarh

---- Respondents

For Petitioner	:	Shri Manoj Paranjpe, Advocate
For State	:	Shri D.R. Minj, Dy. Govt. Advocates
For Respondent No.3	:	Shri B.D. Guru, Advocate

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

Order On Board

19/09/2016

1. With the consent of learned counsel for the parties, it being a transfer matter, this petition is being finally disposed off.
2. The transfer order dated 31st March, 2016 is under challenge by the petitioner on the ground that the husband of the petitioner is working at Govt. School Dhamdha and the petitioner is now being transferred to Kondagaon. Learned counsel for the petitioner submits that while transferring the petitioner, the Govt policy to keep the husband and wife together at the same or nearby station as far as possible, subject to administrative exigency, has not been kept in view. Next submission is that the Collector, Durg, vide his memo dated 15.4.2015 has already recommended for manning remaining two vacant posts

of Food Inspector which shows that there is exigency of posting at Durg, yet the petitioner has been transferred. No other ground was urged.

3. On the other hand, learned counsel for the State and counsel for respondent No. 3 submits that the petitioner has become due for transfer as the petitioner has remained posted at present place of posting since 2007. It is submitted by learned counsel for the State that the policy of keeping the husband wife together is always subject to administrative exigency. It is also submitted that the petitioner having become due for transfer has now been posted at Kondagaon and respondent No.3 who has completed his normal tenure of posting at Kondagaon has been transferred vice the petitioner.
4. It is clear that the petitioner has remained posted at the present place ever since 2007 and, therefore, the petitioner, definitely, has become due for transfer. However, there is also a policy of the Govt. to keep the husband and wife together at the same or nearby station as far as possible. This policy is always subject to administrative exigency. Whether subject to administrative exigency, there is possibility to adjust the petitioner at nearby station is matter for consideration for the State. Once the petitioner has become due for transfer, this Court would not interfere with the transfer order of the petitioner. It is again a matter of administrative consideration by the State whether the two posts of Food Inspector lying vacant at Durg should be filled-up or the petitioner should be sent to Kondagaon.
5. In view of the above, I am not inclined to interfere with the transfer order. However, the respondent-State is directed to consider whether subject to administrative exigency, the petitioner may be adjusted at nearby place. It would be open for the State to adjust the petitioner at any other place subject to administrative exigency of service. The representation of the petitioner shall be decided by the authority within 3 weeks.
6. With the observation and direction as above, the petition is finally disposed off.
7. Consequently, interim order passed earlier stands vacated.

Sd/-
(Manindra Mohan Shrivastava)
Judge