

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5450 of 2016

Omprakash Keshra S/o Shri Punau Ram Keshra, Aged About 45 Years Posted As Lecturer, Panchayat, Government Higher School Salhe Doundi, Distirct Balod Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat Department, Mantralaya Mahanadi Bhawan, New Raipur, P.S. Rakhi, District Raipur Chhattisgarh
2. The Chief Executive Officer, Zila Panchayat Balod, District Balod Chhattisgarh
3. The Collector, Balod, District Balod Chhattisgarh
4. The District Education Officer, Balod, District Balod Chhattisgarh
5. The Chief Executive Officer, Janpad Panchayat, Doundilohara, District Balod Chhattisgarh

---- Respondents

Smt. Savita Tiwari, counsel for the petitioner/s.
Shri Chandresh Shrivastava, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

04/10/2016

Learned counsel for the petitioner submits that default has been removed.

Heard.

This is second round of litigation. Earlier, the petition has been filed challenging transfer order on the ground that while transferring the petitioner, policy of keeping husband and wife together either at same station or nearby station, has not been kept in view.

2. This Court, disposed off the matter vide order dated 09/08/2016 directing that the case of the petitioner may be considered and decided. The petitioner's representation, however, has now been rejected by impugned order dated 23/08/2016. This has brought the petitioner in the second round of litigation. It is

submitted that though there are vacancies available to place the petitioner at his choice, the petitioner has not been adjusted.

3. A perusal of the order shows that the petitioner's case was considered by the competent authority and on exigencies of service, representation has been rejected. Even if it is accepted that there is a vacancy available, the policy of keeping husband and wife together is subject to administrative exigency and cannot be claimed as of right. Therefore, I am not inclined to interfere with the order. The petition is dismissed. However, in the next transfer season, the petitioner may revive his request to suitably adjust him at nearer place, subject to administrative exigency.

Sd/-
(Manindra Mohan Shrivastava)
Judge