

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4645 of 2017

S. K. Deshpande S/o G. S. Deshpande Aged About 59 Years R/o Parras Para ,
Balod, District Balod Chhattisgarh .

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Public Health Engineering, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur, Chhattisgarh.
2. The Executive Engineer, Public Health Engineering (E/m), Division Rajnandgaon, District - Rajnandgaon Chhattisgarh.
3. D.M. Shrivastava, Assistant Engineer, Public Health Engineering (E/m), Sub-Division Dantewada, District - Dantewada Chhattisgarh.

---- Respondents

Shri Nelson Panna, counsel for the petitioner/s.
Shri Chandresh Shrivastava, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

27/09/2017

The transfer order is under challenge on twin grounds.

Firstly, that the petitioner has completed 55 years of age and as per clause 1.5 of the policy dated 03/06/2015, the employees who have completed 55 years of age are ordinarily not to be posted in the scheduled area.

Secondly, that the petitioner's wife is working as Teacher in the nearby school and the petitioner is being transferred to a far off place without consideration of posting the petitioner and his wife either at the same or nearby station.

2. The petitioner has remained posted at the present place for the last more than 4½ years. Therefore, he has become due for transfer. However, there is a policy of the Government that ordinarily, those employees who have completed 55 years of age, may not be posted in scheduled area. This aspect would require

consideration. Moreover, the petitioner has also preferred a representation regarding adjustment of husband and wife together.

3. Claim of posting of husband and wife together at one station is always subject to administrative exigency and public interest and it cannot be claimed as of right. However, in view of clause 1.10 of the policy, as the petitioner has made request, this would also requires consideration.

4. Petitioner's representation shall be decided within a period of four weeks from the date of receipt of copy of this order. This order shall be submitted by the petitioner before the competent authority within two weeks from the date of receipt of copy of this order.

For a period of four weeks, no coercive steps shall be taken against the petitioner to compel him to proceed on transfer.

5. The petition is accordingly finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge