

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No. 2593 of 2017

- Satya Narayan Tiwari S/o Saryu Prasad Tiwari, Aged About 48 Years Shiksha Karmi Grade- II (Teacher Panchayat) Govt. Middle School Hardi, Sankool Belpan, Block Takhatpur, Permanent R/o Abhishek Vihar, Phase- I, D/36, Mangla, P. S. Civil Lines, Bilaspur, Tahsil And District Bilaspur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Panchayat, Mahanadi Bhawan, Naya Raipur (Chhattisgarh)
2. Zila Panchayat Bilaspur, District Bilaspur (Chhattisgarh) Through Its Chief Executive Officer, Having Office Near Collectorate Campus Bilaspur (Chhattisgarh)
3. Chief Executive Officer, Zila Panchayat, Bilaspur District Bilaspur (Chhattisgarh)
4. Janpad Panchayat Takhatpur, Through Chief Executive Officer, Janpad Panchayat Takhatpur (Chhattisgarh)

----Respondents

For Petitioner	:	Shri Alok Bakshi, Advocate.
For State/R-1	:	Shri Adhiraj Surana, Dy. G.A.
For Respondents No.2 to 4	:	Shri Keshav Dewangan, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

15/06/2017

1. The grievance of the present Petitioner is that his wife is also a Government employee and is posted at a different place and that they have been repeatedly making representation to the State Government to adhere to the guidelines framed by the State Government in respect of as far possible to keep the husband and wife at the same place of posting.
2. The Petitioner on an earlier occasion also preferred a Writ Petition i.e. Writ Petition (S) No. 893/2015 which was dismissed as withdrawn with a liberty to the Petitioner for pursuing the remedy by moving appropriate representation before the Respondent authorities.

3. Learned Counsel for the Petitioner submits that even after repeated representations being made, the representations are not being considered. Accordingly, prays that a direction may be issued to the competent authority to consider the representation made by the Petitioner and decide the same in accordance with the rules.
4. The State Counsel however opposing the Petition submits that no cause of action has been arisen and that the earlier Petition itself was dismissed as withdrawn. It clearly indicates that there is no indefeasible right created in favour of the Petitioner. There is no cause of action arisen to challenge before the Writ Court.
5. Be that as it may, admittedly the Petitioner and his wife are working at two different places. The husband on earlier occasion was got transferred near to the place of posting of his wife i.e. at Takhatpur. Subsequently, in year 2014 the Petitioner got transferred out of Takhatpur and since then the husband and wife are living separately.
6. Learned Counsel for the Petitioner submits that it is almost three years that they are living separately though they are making repeated representation to the authority concerned.
7. Considering the peculiar facts and circumstances of the case this Court is of the opinion that ends of justice would meet if the authority concerned shall consider the representation of the Petitioner and shall decide the same in accordance with rules applicable.
8. Accordingly it is directed that since the Petitioner has been making representations for almost about three years, the authority concerned i.e. Respondent No.2 shall take decision on the representation within a period of three months from today.
9. It is made clear that this Court has not expressed anything on the merits of the case so far as the claim or entitlement of the Petitioner is concerned.

10. It would be the responsibility of the Petitioner to bring to the notice of Respondent No.2 immediately as regards the order passed by this Court.

11. With the aforesaid observation, the present Writ Petition stands disposed off.

Sd/-

(P. Sam Koshy)
V. Judge

kishore