

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4073 of 2017

B.P.Sharma S/o Shri Mahaveer Sharma, Aged About 55 Years Presently Posted As Dreafstman, At Public Health Engineering, Division, Baikunthpur, District Koriya, R/o Ward No. 14, Baikunthpur, District Koriya, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Public Health Engineering Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
2. Engineer In Chief, Public Health Engineering, Indrawati Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
3. Superintendent Engineer, Public Health Engineering, Division Ambikapur, District Sarguja, Chhattisgarh.
4. Executive Engineer, Public Health Engineering, Division Baikunthpur, District Koriya, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Mateen Siddiqui, Advocate
For State	:	Shri Chandresh Shrivastava, Panel Lawyer

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

Order On Board

28/08/2017

Heard.

1. The transfer order is under challenge on the following grounds:
 - (a) that the petitioner having already served in scheduled area for 10 years is again being transfered to a scheduled area, whereas he is entitled to be considered for posting outside the scheduled area as per provision contained in clause 2.2 of the circular dated 3.6.2015.
 - (b) that the petitioner's wife is posted as Upper Division Teacher in the

Govt Model Girls Higher Secondary School at Baikunthpur and there is already a policy of the State Govt. to keep the husband and wife together as far as possible, subject to administrative exigency, either at the same or at nearby station. Therefore, the petitioner may not be transferred to a far off place.

(c) that there is recommendation of the higher authority not to change petitioner's posting or continuance of his posting at the present place.

2. Considering that the grounds which are being raised by petitioner are matters for consideration of transferring authority in the light of circular dated 3.6.2015 and the policy to keep the husband and wife together as far as possible, subject to administrative exigency of service at the same or nearby station, the writ petition is finally disposed off with a direction to respondents to examine all these issues of administrative matters.
3. If the petitioner submits representation within a period of 10 days along with copy of this order, the same shall be considered and decided by the respondent-authority within a period of four weeks.
4. For a period of six weeks, no coercive steps shall be taken against the petitioner.

Sd/-
(Manindra Mohan Shrivastava)
Judge