

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4116 of 2017

- Smt. Shalini Soni (Now Shroff) W/o Shri Sharad Shroff, Aged About 27 Years
Hostel Superintendent Grade- D At Pre- Metric Adiwasi Kanya Chhatrawas,
Tilda, Raipur, District Raipur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Under Secretary, Scheduled Caste &
Scheluled Tribes Development Department, , Mahanadi Bhawan, Mantralaya,
New Raipur, Chhattisgarh.
2. Commissioner , Scheduled Caste And Scheduled Tribe Development
Department, Raipur, District Raipur, Chhattisgarh.
3. Assistant Commissioner, Tribal Welfare Department, District Raipur,
Chhattisgarh.

---- Respondents

For Petitioner	:	Shri A. S. Rajput, Advocate
For Respondent/State	:	Shri S. P. Kale, Dy.AG

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

29/08/2017

Heard.

2. Transfer order is under challenge mainly on the ground that while the petitioner is posted as Superintendent of Girls Hostel at Tilda and her husband is posted as Assistant Professor at Bhatapara, the petitioner has now been transferred to Lalpur, Gaurela, District Bilaspur, which is about 200 KM away from the present place of posting. It is submitted that the petitioner had recently suffered abortion, therefore, if she is transferred, she would suffer hardship.
3. The petitioner has remained posted at this place since 2015, therefore, there is no violation of transfer policy in transferring the petitioner. The other ground is that by the impugned transfer order, the petitioner is being posted at Lalpur, Gaurela whereas

her husband is posted at Bhatapara, which is violation of the transfer policy.

4. The transfer policy of the government to keep husband and wife at the same place or nearby place would be subject to administrative exigency, which requires consideration by the competent authority. The ground raised by the petitioner that she is suffering from certain ailment because of abortion in the recent past. These are all grounds, which are required to be considered by the competent authority. The petitioner has, however, not preferred any representation.

5. It is observed that if the petitioner prefers representation before the competent authority within a period of 10 days from today along with a copy of this order, the same shall be considered and decided by the competent authority within a period of four weeks from the date of receipt of representation.

6. With the aforesaid observation, the petition is disposed off.

SD/-
(**Manindra Mohan Shrivastava**)
Judge