

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3989 of 2017

Victor Toppo S/o Shri Jawahar Lal Toppo, Aged About 30 Years Presently Posted As Assistant Grade I I I, At Public Health Engineering, Division, Baikunthpur, District Koriya, R/o Village Ani, Tahsil 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, 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

Shri Mateen Siddiqui, counsel for the petitioner/s.
Shri Satish Gupta, Govt. Advocate for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

24/08/2017

The transfer order is being challenged on the grounds mentioned as below-

- a) That the petitioner is posted in scheduled area and he is willing to continue in scheduled area, he may be considered in continuing in the same station as per clause 2.2 of the circular dated 03/06/2015.
- b) That the petitioner's wife is posted in a Primary Health Centre in a nearby place and there is Government's policy to keep the husband and wife together as far as possible in a nearby station. Therefore, he may not be posted at far off place.
- c) That there is a recommendation of the local authority to continue the

petitioner at the same place.

In the alternative, it is submitted that in any case, the petitioner has been considered for being transferred from scheduled area to non-scheduled area as he has worked for three years in a scheduled area in the light of clause 2.2 of circular dated 03/06/2015.

Considering that all the grounds which are being raised by the petitioner are matter for consideration of the transferring authority in the light of circular dated 03/06/2015 and policy relating to keeping husband and wife together as far as possible, subject to exigencies of service at the same station or nearby station, this petition is disposed off the matter with a direction to the respondents to examine the aforesaid issues of administrative matter and consider petitioner's representation against the transfer and take decision within a period of six weeks from today.

For a period of six weeks, no coercive steps shall be taken against the petitioner.

Sd/-

(Manindra Mohan Shrivastava)
Judge