

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6673 of 2017

- Hitesh Kumar Tarak S/o Shri Puranlal Tarak, Aged About 26 Years
R/o Koma, Post Kirvai, Police Station Rajim, District Gariyaband
Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Home Department,
Mantralaya, Mahanadi Bhawan Raipur, District Raipur
Chhattisgarh.
2. Joint Secretary, Department Of Home (Jail) Chhattisgarh,
Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh.
3. Director, General Home Guard Raipur, District Raipur
Chhattisgarh.
4. Inspector General Home Guard Raipur, District Raipur
Chhattisgarh.
5. Divisional Commandant, Home Guard, Collectorate Premises,
Raipur, District Raipur Chhattisgarh.
6. District Commandant, Home Guard, District Office Gariyaband
Chhattisgarh.
7. Director Fire Services / S D R F And Senior Staff Officer,
Headquarter, Home Guard And Citizen Security Chhattisgarh,
Sector - 19, Naya Raipur, District Raipur Chhattisgarh.

---- Respondent

For Petitioner
For Respondents/State

Shri Varunendra Mishra, Advocate.
Shri Sangharsh Pandey, Dy. G.A.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

30/11/2017

1. Learned counsel for the petitioner would submit that in petitioner's earlier writ petition the prayer was made by him for transferring him to a place where his wife is posted, however, by the impugned communication the authority has directed that petitioner's wife working as ANM on contract basis be transferred.
2. True it is that by transferring the petitioner's wife also the object of keeping the Husband and wife at one place may be achieved. But the difficulty for the petitioner or his wife is that his wife is working as ANM on contract basis and such employees are ordinarily not transferred because there may be complication in having vacant contractual post or confirmation at any future date.
3. On perusal of the papers, it appears that in the earlier writ petition there was neither any prayer nor any direction by this Court to transfer the petitioner's wife who is working on contract basis, therefore, a Prima Facie case is made out in favour of the petitioner.
4. But at the same time, keeping this petition pending would not serve any meaningful purpose because till the matter is disposed of the earlier order passed by Court would not be given effect.
5. In the above circumstances, it is deemed appropriate that the competent authority shall consider petitioner's representation in terms of the previous order passed by this Court in WPS No. 4161 of 2017, instead of transferring the petitioner's wife as ANM as proposed in the communication Annexure P-1. The communication Annexure P-1 is, therefore, not to be acted upon, if it is not yet been acted upon, as no such order was passed by this

Court in WPS No. 4161 of 2017 which has been referred in the communication itself.

6. Let needful be done in terms of the previous order of Court within a three months from today.
7. Accordingly, the writ petition is disposed of.

Sd/-

Judge

Prashant Kumar Mishra

Akhilesh