

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6353 of 2016

Pawan Kumar Verma S/o Late Awadh Ram Verma, Aged About 54 Years Fisheries Inspector, Block Paatan, Distt. Durg (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Fisheries Deptt. Mantralaya, Naya Raipur (Chhattisgarh)
2. Director, Directorate Of Fisheries, Indrawati Bhavan, Raipur (Chhattisgarh)
3. Deputy Director, Fisheries, District Durg (Chhattisgarh)
4. Tarkeshwar Prasad Verma, Fisheries Inspector, O/o Assistant Director, Fisheries, Distt. Bemetara (Chhattisgarh)

---- Respondents

Shri Raja Sharma, counsel for the petitioner/s.
Shri R.K.Gupta, Dy.A.G. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

27/01/2017

Heard.

The petitioner has challenged the impugned order by which his representation for continuing his posting at the same place where his wife is posted has been rejected.

2. Learned counsel for the petitioner submits that the petitioner and his wife are posted at the same place and the petitioner was transferred to another district – Bemetara. This order was challenged before this Court and this Court, vide order dated 04/08/2016 in WPS No. 3398/2016 directed respondents for consideration of his representation keeping in view the policy of keeping husband and wife together as far as possible, subject to administrative exigency. The representation of the petitioner was however not duly considered and it has been mechanically rejected.

It is submitted that the committee constituted by the Government to consider transfer has not considered the case of the petitioner.

3. Learned State counsel submits that the judicial order passed by this Court on 04/08/2016 was taken as a command by the department itself. Therefore, the representation has been decided on Secretarial level. It is also submitted that in administrative exigency stated in para 3, 4, 5, 6, 7 and 8, occasion arose for transferring the petitioner.

4. After hearing learned counsel for the parties, as far as objection that decision was not taken by the Committee, is liable to be rejected because the decision has been taken by the department authorities due to judicial order. Though under policy, decisions on representation are taken by the Committee, may be due to judicial order, the Secretary himself decided the matter to ensure compliance of the order of the Court. It being only a transfer matter and not affecting conditions of service, I am not inclined to interfere with the order of rejection, only on this ground.

5. It appears that there was a background in which the petitioner was shifted from present place at Durg to another district – Bemetara. Some other employee had already filed a petition and there was direction for consideration of representation. The petitioner has completed almost two years at the present place of posting. The petitioner has been transferred only to the neighbouring district and not a far-off place so as to say that it will be difficult for the petitioner or his wife to visit each other. According to the State counsel, the transferred place is less than 100 kms away from the present place of posting.

6. Considering the aforesaid circumstances, I am not inclined to interfere with the order. The petition is therefore dismissed, however, with liberty to the petitioner to make representation to the authorities to consider his posting to some nearer place or to consider shifting of petitioner's wife from Durg to Bemetara on consent basis in future, whenever occasion arises for transfer during next transfer season in June - July, 2017.

Sd/-
(Manindra Mohan Shrivastava)
Judge