

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4044 of 2017

Chiranjivi Shriwas S/o Shri Makhan Lal Shriwas Aged About 33 Years Presently Posted As Assistant Medical Officer At Primary Health Centre Hardikala, District Bilaspur R/o Gajanand Vihar, Behind Petrol Pump Mopka Bilaspur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Health And Family Welfare Department, Mantralaya, Mahanadi Bhawan, Naya Raipur District Raipur Chhattisgarh
2. Under Secretary Health And Family Welfare Department, Mantralaya, Mahanadi Bhawan, Naya Raipur District Raipur Chhattisgarh
3. Chief Medical Officer Health And Family Welfare Department District Bilaspur Chhattisgarh
4. Amitabh Tiwari Posted As Assistant Health Officer Address Primary Health Centre, Belbahara District Koriya Chhattisgarh

---- Respondents

Shri Mateen Siddiqui, counsel for the petitioner/s.
Shri Avinash Singh, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

25/08/2017

The transfer order is under challenge mainly on two grounds that the wife of the petitioner is posted as Lecturer (Panchayat) in a nearby place and if the petitioner is transferred to Sarguja, his marital life would be disturbed. The other ground is that the petitioner's son is suffering from Autism disease. Therefore, the transfer would adversely affect the family life of the petitioner.

2. As far as illness of the petitioner's son is concerned, that is a matter to be considered by the competent authority. The policy of keeping husband and wife together at same station as far as possible, is subject to administrative exigency and public interest. Whether in a given case, it will override the administrative exigency, is a matter to be considered by the competent authority.

3. The petitioner has not made any representation. Let a representation be made and the competent authority shall decide the same within a period of three weeks from the date of receipt of representation.

4. With the aforesaid observations, this petition is finally disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge