

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1443 of 2019**

Kamlesh Patel S/o Shri Harishankar Patel Aged About 41 Years Working As Probationary Officer In The Office Of Social Welfare, Durg, District- Durg, Chhattisgarh, Aged About 41 Years, R/o L.I.G. 105, Sector-1, Housing Board Colony, Saddu Mowa, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Social Welfare Department, Mantralaya, Mahanadi Bhawan, Capital Complex, Atalnagar Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. The Under Secretary Chhattisgarh State, Social Welfare Department, Mantralaya, Mahanadi Bhawan, Capital Complex, Atalnagar Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. The Director Social Welfare Directorate, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
4. Collector Durg District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Dharmesh Shrivastava, Advocate
For State	:	Mr. Anshuman Shrivastava, PL

Hon'ble Shri Justice P. Sam Koshy**Order on Board****08/03/2019**

1. The grievance of the petitioner in the instant case is to the order of transfer dated 20/02/2019 whereby the petitioner posted as Probationary Officer in the office of Social Welfare Department, District Durg has been transferred to Dantewada.
2. The two grounds of challenge that the petitioner has raised is that wife of the petitioner is also a Government employee and is working

as Lecturer(Panchayat) at the Government Higher Secondary School, Thanaud District Durg. By the impugned order the petitioner now is being shifted to the extreme other end of the State, thereby the entire family life would get disturbed including upbringing of the two children which the petitioner has. Further contention of the petitioner is that the children are also school going and the examination are also in the process thus shifting of the petitioner at this juncture may have an adverse bearing on the education of the Children.

3. It appears that the petitioner till date has not made any representation against the said order of transfer highlighting such difficulties to the higher authorities in the department.
4. Given the said fact, let the petitioner make a fresh representation to the respondent No.1 in highlighting his difficulties and also referring to the transfer policy of the State Government, wherein the State Government is casted with a responsibility of trying to accommodate husband and wife on the same place, if not, to a near by place. On such representation being made respondent no. 1 shall take a decision within a period of 2 months.
5. Meanwhile, it is ordered till the representation of the petitioner is not decided subject to the petitioner making a representation within a period of 10 days from today, the effect and operation of the

impugned order so far as the petitioner is concerned shall remain stayed.

6. The writ petition accordingly gets disposed off with the aforesaid direction.

Sd/-
(P. Sam Koshy)
Judge

Rohit