

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7572 of 2019

Smt. Akansha Gupta W/o - Shri Shambhu Kumar Gupta Aged About 32 Years R/o
- Kranti Nagar, Bilaspur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Women And Child Development, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur Chhattisgarh
2. Collector Bilaspur Chhattisgarh
3. Project Officer, Integrated Child Development, District Bilaspur Chhattisgarh
4. Project Officer, Integrated Child Development, Ludega, Pathalgaon 2, District Jashpur Chhattisgarh

---Respondents

For Petitioner	:	Mr. Parag Kotecha, Advocate
For State	:	Mr. Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

16/09/2019

1. The Challenge in the present writ petition is to the impugned order (Annexure P-1) dated 21.08.2019, whereby the petitioner has been transferred from Integrated Child Development Project Bilaspur to Integrated Child Development Project, Ludega, Pathalgaon-2 Distt. Jashpur.
2. The challenge is on the ground that husband and wife policy of the State Government is getting violated in as much as the husband of the petitioner is also posted at the same place i.e. Bilha, Bilaspur and he has been transferred to district Bilaspur recently i.e. Feb/2019. However on a query being put to the counsel for the petitioner, he fairly concedes that petitioner has been working at Bilaspur for a period of more than 7 years. Thus, from the statement made by the petitioner, it is clear that petitioner has already worked more than a normal tenure of 3 years. There is no dispute so far as the post to which the petitioner works being transferable post. There is no

allegations or contentions of the petitioner that the order of transfer is contrary to the Service Rules Governing the service condition of the petitioner, neither is there are any allegations of malafide in issuance of order of transfer.

3. The Supreme Court has time and again laid down the transfer policy of the State Government which mere guidelines they do not have force of law for mandatorily to be complied with by the respondents those have only to be kept in mind as far as possible.
4. Given the said facts, the petitioner has been working at present place of posting for more than 7 years, this Court does not find any strong ground calling for an interference with the impugned order. However, considering the fact, there is a policy for keeping husband and wife at the same place, let the petitioner's representation which she has already made at the same time, the husband may also make similar request which the authorities concerned in the department may consider in terms of the transfer policy and try to accommodate either the petitioner at the nearby place where the husband of the petitioner is working or accommodate husband at the near place where the petitioner has been transferred by the impugned order.
5. Let the representation is expected to decide at the earliest.
6. With the aforesaid direction, the writ petition stands disposed of.

Sd/-

(P. Sam Koshy)
Judge

Jyotijha