

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 9232 of 2019

Devendra Bagga, S/o. Late Shri T.R. Bagga, Aged About 50 Years, Assistant Food Officer, Tiwari Chaal, Rajendra Nagar, Police Station - Civil Line, Bilaspur District - Bilaspur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Food, Civil Supplies And Consumer Protection Department, Mantralaya, Police Station And Post - Rakhi, Nawa Raipur, Atal Nagar, District - Raipur Chhattisgarh.
2. Director, Food, Civil Supplies And Consumer Protection Department, District Raipur Chhattisgarh.
3. Collector, District Bilaspur Chhattisgarh.

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For Petitioner	:	Mr. Santosh Kumar Pandey, Advocate
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For State/Respondents	:	Mr. Priyank Rathi, Panel Lawyer
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Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13.11.2019

Heard.

1. Grievance of the petitioner is that he was posted at Bilaspur in the year 2016 and he has been transferred to Jashpur by the impugned transfer order dated 11.10.2019 and thereafter the petitioner was unilaterally relieved.
2. It is contended that the wife of the petitioner is working as Teacher (Urban) in Government School Tifra, District Bilaspur, as per Annexure P-5 and as per the policy of the State Government, the petitioner and his wife should have been kept in the same place; therefore, the transfer order of the petitioner may be canceled. Learned counsel for the petitioner further submits that in the mid session, the transfer has been effected and he relies on the ratio laid down in WPS No.7299 of 2019 passed by the Coordinate Bench, which is quoted herein below :

“6. The State authorities are also directed to avoid carrying out transfers during the mid education session, rather the transfer orders on administrative exigency by the State Government could be considered at the beginning of the academic session of a school, which could avoid and prevent great inconvenience which the parents face, so far as getting admission and also would hamper the studies of the students, etc.”

3. Perused the documents. The wife of the petitioner appears to be working at Bilaspur and certain documents which have been filed shows that the children of the petitioner are studying at Bilaspur. Considering such fact, the petitioner is given liberty to make a fresh representation within a period of 15 days before the Respondent No.1, who in turn shall decide the same within an outer limit of 45 days from the date of receipt of the representation. In the meanwhile, if the transfer order of the petitioner has not been executed and if nobody has joined in place of the petitioner, the transfer of the petitioner shall not be given effect to.
4. With such observation, the petition stands disposed off.

Sd/-
Goutam Bhaduri
Judge