

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4369 of 2020**

Pushkarnath Chandravanshi, S/o. Shri J.N. Chandravanshi, Aged About 43 Years, Presently Posted As Sub-Engineer At The Office Of Executive Engineer Public Work Department, Sub Division Kurud, District Dhamtari (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through Its Secretary, Public Work Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
2. Under Secretary, Public Work Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
3. Executive Engineer, Public Work Department, Sub Division Kurud, District Dhamtari (Chhattisgarh)

---- Respondents

For Petitioner : Mr. Ishan Verma, Advocate

For Respondents/State : Mr. Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri**ORDER****27.10.2020**

Heard

1. Learned counsel for the petitioner would submit that the petitioner has been transferred from Public Works Department, Dhamtari to Public Works Department, Beejapur by order dated 21.09.2020. He submits that the wife of the petitioner is Assistant Teacher working at Dhamtari and as per the policy of the State, normally the husband & wife should be considered to be posted at the same place. He further submits that the petitioner has been transferred to a core scheduled area and therefore the transfer is made against the transfer policy. It is further stated that the petitioner has already made a representation to the Secretary/ Respondent No.1, which may be directed to be decided and the transfer of the petitioner may kindly be canceled.

2. Learned State counsel submits that the transfer has been made as per the administrative exigencies. He submits that the petitioner has been posted at the present place of posting for more than 4 years.
3. Reading of clause 1.10 of the transfer policy would show it do not mandate that the husband & wife are to be posted at the same place. Considering the same and the fact that the petitioner is posted at the present place of posting for more than 4 years, I do not find any plausible reason to interfere with the transfer order of the petitioner. The transfer being the incident of service, it is the State Government which would decide whether the particular person has to be placed or posted. Unless and until the transfer shock the conscience of Court for any reason of illegality or arbitrariness, normally the interference of the Court is not called for unless facts are shown otherwise. Accordingly, the petition is dismissed. However, if the representation of the petitioner is pending, it may be considered on it's own merit.

Aks

Sd/-
Goutam Bhaduri
Judge