

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 71 of 2021**

{Arising out of order dated 03.02.2021 passed by the learned Single Judge in Writ Petition (S) No. 733 of 2021}

- Chetan Sahu, S/o Shri Makhan Lal Sahu, aged about 46 years, R/o Shanti Nagar, Behind Doodhnadi Colony, Kanker, Police Station-City Kotwali, Tahsil & District Kanker (C.G.)

---- Appellant

Versus

1. State of Chhattisgarh, Through its Secretary, Department of Home/Police, Mahanadi Bhawan, Mantralaya, Police Station & Post – Rakhi, Atal Nagar, New Raipur, District Raipur (C.G.)
2. Chairman, Police Establishment Board/Director General of Police (DGP), Police Headquarters (PHQ), Police Station & Post – Rakhi, Atal Nagar, New Raipur, District Raipur (C.G.)
3. Members, Police Establishment Board, Police Headquarters (PHQ), Police Station & Post – Rakhi, Atal Nagar, New Raipur, District Raipur (C.G.)
4. Inspector General of Police (IGP), Office of Inspector General of Police, Lalbag, Jagdalpur, District Bastar (C.G.)
5. Superintendent of Police (SP), Office of Superintendent of Police, North Bastar, Kanker, District Kanker (C.G.)

---- Respondents

For Appellant	:	Shri Abhishek Pandey and Ms. Laxmeen Kashyap, Advocates.
For Respondents/State	:	Shri Siddharth Dubey, Deputy Government Advocate.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice**Hon'ble Shri Justice Parth Prateem Sahu, Judge****Judgment on Board****Per Parth Prateem Sahu, Judge****08.03.2021**

1. Interference declined by the learned Single Judge in the order of transfer passed against the Appellant vide order dated 05.01.2021 (Annexure P/3) made the Appellant to file this appeal.

2. Shri Abhishek Pandey, the learned counsel appearing for the Appellant submits that the Appellant has raised the grounds with regard to the employment of 'husband and wife' at Kanker mentioning therein that the Appellant is working as 'Assistant Sub Inspector' and posted at Police Station Kanker and his wife is posted as 'Head Constable' at Police Station Kanker. He also raised the grounds of frequent transfer stating that Appellant was transferred from Police Chowki Halba to Police Station Partapur on 10.01.2020 and thereafter, on 17.03.2020, he was transferred from Police Station-Partapur to Police Station-Kanker where he joined on 02.06.2020 and within a period of six months the Appellant is again been transferred from Police Station-Kanker to Police Station-Siksod. He submit that the transfer has been effected in the ban period with proper approval of the Competent Authority as mentioned in Transfer Policy. The learned Single Judge has not answered all the grounds raised by the Appellant and had decline to interfere in the order of the transfer. He further submit that it is the State policy that as far as possible the husband and wife who are the Government employee should be posted at one place and Government servant not be put to difficulty by frequent transfer. He submits that this Hon'ble Court has considered the issues in different orders, which he had also annexed alongwith the writ petition and appeal. The action of the Respondent No. 5 is arbitrary and contrary to the transfer policy of the State Government.
3. Shri Siddharth Dubey, the learned Deputy Government Advocate submits that the order of transfer has been passed looking to the administrative exigency as the Appellant has been posted in tribal and naxal affected area. He further points out that the Appellant could approach the Competent Authority by way of filing the representation raising all the grounds and that will be taken into consideration. The Competent

Authority after considering the grievance of Appellant will pass the appropriate order in accordance with law.

4. Shri Abhishek Pandey, the learned counsel for the Appellant submits that he is ready to approach the Competent Authority by way of filing the representation, but till the decision of his representation interim protection may be granted to him.
5. We heard the learned counsel for the parties.
6. From the documents placed on record, it is apparent that this place of posting is the third place of posting within a year *i.e.* 10.01.2020 to 05.01.2021. The wife of Appellant Smt. Archana Sahu is posted as Head Constable at Police Station-AJK, Kanker (as pleaded). In the given facts of the case the Appellant is granted liberty to approach the Respondent No. 5 by submitting a representation along with copy of writ petition and writ appeal within a period of 10 days and in case the representation is filed, the Respondent No. 5 shall dispose of the same within further period of 3 weeks.
7. Till the representation of the Appellant is decided the order dated 05.01.2021 issued by Respondent No. 5 shall remain stayed so far as it relates to the Appellant, if no other person is joined to the place of posting of the Appellant at Kanker.
8. In view of the above, the appeal stands disposed off.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge