

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1530 of 2021**

Ishan Sahu S/o G.R. Sahu Aged About 32 Years Presently Posted As Lecturer (Et And T) At Government Polytechnic College Durg, R/o 441/b, Street No. 24-A, Smriti Nagar, Bhilai District Durg Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary Skill Development And Technical Education And Employment Department Mantralaya , Mahanadi Bhawan, Naya Raipur , District Raipur Chhattisgarh
2. Under Secretary Skill Development And Technical Education And Employment Department Mantralaya, Mahanadi Bhawan, Naya Raipur , District Raipur Chhattisgarh.
3. Ku. Neha Dewangan Presently Posted As Lecturer (Et And T) At Government Girls Polytechnic College Jagdalpur Chhattisgarh.

---- Respondents

For Petitioner	:	Ms. Diksha Gouraha, Advocate
For State	:	Ms. Akanksha Jain, Dy. G.A.
For Respondent No.3	:	Mr. Malay Shrivastava, Advocate

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

17/03/2021

1. Challenge in the present writ petition is to the order of transfer dated 16.02.2021 whereby the petitioner has been transferred from Durg to Jagdalpur.
2. The order of transfer has been challenged primarily on two grounds, firstly on the ground that husband and wife both being in government employment should had been accommodated as far as at the same place or at a nearby place. According to the petitioner, the wife of the petitioner working on the post of Sub-Engineer is posted at Bemetara, which is the adjoining District, therefore at this juncture transferring the petitioner would give rise to great hardship and

inconveniences. Second ground of challenge is that the impugned order has been passed only to accommodate the respondent No.3, who was posted at Jagdalpur and is now being brought in place of the petitioner as would be evident from the order of transfer to show that the respondent No.3 has been transferred at her own request and expense, whereas the petitioner has been shifted on administrative exigency.

3. Having heard the contentions put forth on either side and on perusal of record, this Court is of the opinion that both these grounds would not be sustainable in the given facts of the case for the reason that the petitioner at the present place of posting has already put in more than 4 years of service and as such has completed his normal tenure at the present place. Secondly, the husband and wife so far as the petitioner is concerned, both are presently also posted at two different districts and are residing together. Thirdly, the fact that the order of transfer of respondent No.3 has been made at her request also is one which is permissible under law and is also within the domain of the State to consider and decide the grievances of the employees, who make the representation to the authorities concerned in respect of their place of posting or any other incident to service.
4. Given the aforesaid reasons, this Court does not find any strong case made out by the petitioner calling for an interference with the impugned order. However, the liberty of the petitioner would still be open for making appropriate representation to the respondents No.1 & 2 seeking for any change of posting of the petitioner is concerned.

In the event if the petitioner makes a representation, the respondents are expected to take a decision at the earliest preferably within a period of 60 days from the date of receipt of the copy of this order.

5. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved