

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 5729 of 2021

1. Ashish Diwan S/o Shri Gulab Dhar Diwan Aged About 34 Years Presently Working As Food Inspector / Bilaspur, R/o Rajkishore Nagar, Near Telephone Exchange, Bilaspur, District Bilaspur Chhattisgarh 495004.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through Secretary, Food, Civil Supplies and Consumer Protection Department, Mantralaya , Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh.
2. Director Food And Civil Supplies And Consumer Protection , Indrawati Bhawan, Atal Nagar, Nawa Raipur , District Raipur Chhattisgarh.
3. Smt. Prachi Sinha Presently Posted As Food Inspector, District Bastar Chhattisgarh.

---Respondents

For Petitioner	:	Shri Mazid Ali, Advocate.
For Respondents-State	:	Shri Suyash Dhar, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

07.10.2021

1. Aggrieved by the order dated 27.09.2021 the present writ petition has been filed. Vide the said impugned order the place of posting of the petitioner has been shifted from Bilaspur to Bastar.
2. The petitioner is working on the post of Food Inspector and was posted at Bilaspur. The contention of the petitioner is that, prior to August, 2019 the petitioner was working at District Janjgir Champa. The petitioner married another officer in the same department who was at that point of time posted at Balod. Subsequent to the marriage, on a request made by both the spouses, two of them were accommodated at Bilaspur district in August, 2019 and since then the Husband and Wife have been posted at Bilaspur. In less than two years period now the petitioner has been issued with the impugned order of transfer posting the petitioner from Bilaspur to Bastar.

3. The counsel for the petitioner submits that as per the transfer policy governing the field, the respondent authorities ought to have taken in to consideration so far as the spouses who are in government employment to be posted at the same station, if not, at a nearby station. Contrary to the said transfer policy the petitioner now has been transferred to a far away remote Scheduled area. Thus, the very condition in the transfer policy of accommodating the spouses at the same station would get defeated.
4. The State counsel submits that the case of the petitioner for accommodating two spouses at the same station have been considered favorably in the past and there is no reason why the petitioner cannot approach the respondent authorities for ventilating his grievances in terms of the policy governing the field.
5. Considering the facts and circumstances of the case the writ petition at this juncture stands disposed of permitting the petitioner to approach the respondents No.1&2 and the respondents No.1&2 in turn shall consider and decide the representation of the petitioner if the same is already not submitted, to be presented within a further period of 10 days. The petitioner would also be at liberty to file a fresh representation supported with all relevant documents and records. On such representation being made, the respondent authorities shall consider and decide the same on its own merits within a period of 45 days.
6. Meanwhile, purely as an interim measure if the petitioner has not been relieved from the present place of posting, the petitioner be continued to remain at the present place of posting till the representation of the petitioner is decided.
7. The writ petition accordingly stands disposed of.

Sd/-

(P. Sam Koshy)
Judge