



ଓଡ଼ିଶା ସରକାର  
ଶ୍ରମ ଓ କର୍ମଚାରୀ ରାଜ୍ୟ ଦାମା ବିଭାଗ  
GOVERNMENT OF ODISHA, LABOUR & ESI DEPARTMENT

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ORDER

Bhubaneswar, Dtd. 17-6-25

No. LESI-LL1-CASE1-0020-2025/ 5576 /LESI

Whereas, Diptimayee Raul posted as Rural Labour Inspector in the year 2017 and joined in the Office of the JLC, Angul. Upon promotion to the rank of Assistant Labour Officer, she was continuing in the same office till 2023. Later, she was transferred and posted to the office of the DLC, Keonjhar vide Labour & ESI Department Notification No.8033, Dt.24.08.2023.

Whereas, since there was a post of Assistant Labour Officer was vacant in the Office of the DLC, Deogarh as well as in the respective block level offices of the District, from the point of administrative exigency, it was required for posting of an ALO. Accordingly, Smt. Roul, ALO has been transferred and posted as such in the Office of the DLC, Deogarh vide this Department Notification No.4340/L&ESI, Dt.05.05.2025.

Whereas, being aggrieved by the above transfer order, Smt. Roul has filed W.P.(C) 13593 of 2025 before Hon'ble High Court with a prayer for cancellation of her transfer made vide L & ESI Department Notification Dt.05.05.2025.

Whereas, the High Court of Orissa vide their order dated 13.05.2025 has disposed of the writ petition with the following directions.

"6. Considering the limited nature of grievance of the Petitioner, the writ application is disposed of at the stage of admission with a direction to the Opposite Party No.1 to consider the representation of the Petitioner under Annexure-6, taking into consideration the Government Circular dated 13.12.1991 under Annexure-4 to the writ petition **within a period of four weeks from the date of production of certified copy of this order. The Opposite Party No.1 shall do well to dispose of the representation of the Petitioner under Annexure-6 by passing a speaking and reasoned order.** The decision so taken by the Opposite Party No.1 be also communicated to the Petitioner within two weeks thereafter. As an interim measure, it is directed that in the event the Petitioner has not been relieved from the present place of posting, she shall not be relieved from her present place of posting for a period of six weeks or till disposal of the representation."

Whereas, a copy of aforesaid order Dated 13.05.2025 of Hon'ble High Court, made available by the petitioner has been received in this Department on 17.05.2025.

Whereas, the Annexure-6 of the writ petition is the representation dated.06.05.2025 made by Diptimayee Roul, Assistant Labour Officer, O/o the DLC, Keonjhar with prayer to cancel the transfer order Dt.05.05.2025 on health issues and spouse ground.

Whereas, the Government Circular Dt.13.12.1991 is concerned, GA Department have cited the order of Supreme Court in case of Bank of India - Vs - Jagjit Singh Mehta have held that the Departmental authorities should consider the fact of separation of husband and wife along with the exigencies of administration. In the words of the Supreme Court, the authorities will enable the two spouses to live together at one station if it is possible without any detriment to the administrative needs and claim of other employees. Further it is stated that while choosing the career and particular service the couple have to bear in mind the possibilities of separation and be prepared to face such hardship if the administrative needs and transfer policy do not permit their posting the both at once place without sacrifice of the requirements of the administration and the need so far other employees. After giving preference to the career prospect, they cannot as of right claim to stay together at a particular station.

Whereas, the other circulars issued by GA Department in different times for posting of husband and wife at same station is applicable in case where both are State Government Employees.

Whereas, in the instant case, the husband of the Petitioner in W.P.(C) No.13593 of 2025 is not a State Government Servant and she has been transferred to the nearby District i.e. Deogarh in administrative exigency.

Therefore, after careful consideration of the representation and in compliance of the order dated.13.05.2025 of Hon'ble High Court, Orissa passed in WP(C) 13593 of 2025 filed by Smt. Diptimayee Roul - Vrs. - Sate of Odisha & Others, Government has been pleased to reject the representation Dtd.06.05.2025 of Diptimayee Roul being devoid of merit.

  
(Chithra Arumugam)

Principal Secretary to Government