

Court No. - 33

Case :- WRIT - A No. - 18323 of 2023

Petitioner :- Santosh Yadav

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Awadhesh Kumar Malviya

Counsel for Respondent :- C.S.C., Syed Nadeem Ahmad

Hon'ble J.J. Munir,J.

Heard Mr. A. K. Malviya, learned Counsel for the petitioner at great length, Mr. Syed Nadeem Ahmad, learned Counsel for respondent nos. 4 and 5 and Mr. Dinesh Kumar Singh, learned Additional Chief Standing Counsel on behalf of respondent nos. 1 to 3.

The petitioner challenges an order dated 05.10.2023, whereby his representation seeking transfer from Nagar Panchayat Sadat, District Ghazipur to Nagar Palika Parishad Jamaniya, District Ghazipur has been rejected by the Director, Local Bodies, Lucknow. The petitioner is a *Naib Moharrir* and had applied for transfer on ground of ailment of his mother. The petitioner has relied upon a Government Order dated 24.09.2002 and this Court, by an order dated 10.08.2022 passed in Writ A No. 10931 of 2022, had directed consideration of the petitioner's representation made to the Director. It is in consequence of that direction that by the impugned order the petitioner's prayer has been declined.

Transfer is an exigency of service and the decision of the employer to post an employee at a particular place does not adversely affect the employee's rights in the sense of prejudice to his civil rights or, as it is called, an order that may be regarded as one having adverse civil consequences. An order relating to transfer passed by the employer is essentially non-justiciable and lies exclusively in the employer's domain. No writ can issue in the matter unless the decision about a transfer is in violation of a statute or made *mala-fide*. This is not the petitioner's case. Pleas of arbitrariness in transfers and postings may not afford a right to relief before this Court in the exercise of our writ jurisdiction to employees, who may be aggrieved on that count.

In this view of the matter, no case for interference with the impugned order is made out.

This petition fails and is **dismissed** *in limine*.

Order Date :- 1.11.2023

Vijay