

HIGH COURT OF CHHATTISGARH, BILASPUR

WRIT APPEAL NO. 249 OF 2015

Jai Bahadur Banjare S/o Shri Bhanu Ram Banjare, aged about 58 years, Krishi Vikas Adhikari, office of Varishta Krishi Vikas Adhikari, Agriculture Office Khairgarh, R/o Village Dondekala, Police Station House - Vidhan Sabha, Tahsil Dharsiwa, District Raipur (C.G.)

... Appellant

Versus

1. State of Chhattisgarh, through Principal Secretary, Department of Agriculture, Secretariat, Mahanadi Bhawan, Raipur (C.G.)
2. Under Secretary, Department of Agriculture, Secretariat, Mahanadi Bhawan, Raipur (C.G.)
3. Director, Agriculture, Directorate of Agriculture, Village Labhandi, Raipur District Raipur (C.G.)
4. Joint Director, Agriculture, Raipur P.S. & District Raipur

... Respondents

For Appellant	:	Mr. Ashok Verma, Advocate.
For Respondent-State	:	Mr. B. Gopa Kumar, Dy. A.G.

Hon'ble Shri Navin Sinha, Chief Justice

Hon'ble Shri Justice P. Sam Koshy

Judgement on Board

Per NAVIN SINHA, C.J.

22/06/2015

1. The present Appeal arises from order dated 23.2.2015 in W.P.(S) No.6550 of 2014 dismissing the challenge by the Appellant to the fresh order passed by the authorities pursuant to a representation with regard to his transfer.
2. Learned Counsel for the Appellant submits that he has joined the transferred place of posting. It does not prevent him from challenging the order for transfer on the initial ground that he was transferred to a place where there was no vacancy. Any subsequent act on part of the authorities in giving discretion to the Deputy Director, Agriculture, Rajnandgaon in that regard for an appropriate posting will not validate the illegality in the original order for transfer to a place where there was no vacancy.
3. Learned Counsel for the State has opposed the Appeal submitting that the Appellant has remained at Balodabazar for over 10 years. His representation against the transfer has been considered. It is not the case of the Appellant that he has been reduced in rank or suffered any loss of pay etc., to warrant any interference. The grievance with regard to lack of vacancy at the transferred place of posting has adequately been taken care of and the Appellant admits that today he is discharging duties on a vacant post and receiving salary. The Appeal merits no consideration.

4. We have considered the submissions.
5. Considering that he has remained posted at Balodabazar for over 10 years, and has subsequently been assigned duties at a vacant post by Deputy Director, Agriculture, Rajnandgaon pursuant to his representation followed by the Government issuing appropriate direction in this regard, the refusal of the Court earlier to interfere with the transfer order in Writ Petition (S) No. 3747 of 2014, we do not find any reason for interference in the Appeal.
6. The Appeal is dismissed.

Sd/-
(Navin Sinha)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge