

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1227 of 2015

- Hasan Ullah Khan S/O Shri Barkatullah Khan Constable (MT), aged about 35 years, Posted At MT Pool Police Headquarters, Raipur R/O D.D. Nagar, Sector -2, LIG 291, Raipur District Raipur (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh, Through Secretary, Department Of Home Affairs, Mahanadi Bhawan, Mantralay, New Raipur District Raipur (C.G.)
2. The Director General Of Police Police Headquarters, Civil Lines, Raipur (C.G.)
3. Additional Director General Of Police (CAF/ Naxal Operations/ STF), Police Headquarters, Raipur (C.G.)
4. Commandant 12th Battalion Chhattisgarh Armed Force (CAF), Ramanuganj, District Balrampur (C.G.)

---- Respondents

For Petitioner : Ms. Noushina Afrin Ali, Advocate
For Respondent/Stateq : Shri Y.S. Thakur, Dy. Advocate General

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

09/04/2015

1. Learned counsel for the petitioner would submit that the petitioner is working as Constable (MT) Pool Raipur. By the impugned order he has been transferred to 12th Battalion, Ramanujganj.
2. It is a trite law that transfer/posting is an incidence of service. The Court should not interfere with the transfer/posting order unless there is malice, infringement of statutory rules and regulations. The employee may be posted anywhere at the instance of the employer in public interest and administrative exigency. Further, it is for the Government to post another person if any vacancy arises on account of transfer/posting of an employee.

(See *E.P. Royappa v. State of and another* (1974) 4 SCC 3, *Shilpi Bose (Mrs.) and others v. State of & another* (1991) Supp 2 SCC 659, *State of and another v. S.S. Kourv and others* (1995) 3 SCC 270, *Mohd. Masood Ahmad v. State of U.P. & Others* (2007) 8 SCC 150, *Chief Commercial Manager, South Central Railway, Secunderabad & Others v. G. Ratnam & Others* (2007) 8 SCC 212 and *Airports Authority of India v. Rajeev Ratan Pandey & Others* (2009) 8 SCC 337).

3. Be that as it may, considering the fact that the petitioner is raising personal difficulties in carrying out transfer order and for the fact that those difficulties should be addressed before the employer rather than before this Court, the writ petition is disposed of with a direction that in the event the petitioner prefers a representation before the competent authority within a period of 15 days from today, the said authority shall decide the representation in accordance with law within a period of four weeks thereafter.
4. For a period of 4 weeks from today the impugned transfer order shall remain stayed qua the petitioner.

JUDGE