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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1454 of 2015**

- D. K. Singh S/o Shri Shripal Singh Aged About 54 years Executive Engineer, Pariyojana Kriyanvayan Ikai, Chhattisgarh Gramin Sadak Vikas Abhikaran, Balrampur, District Balrampur (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh Through : Additional Chief Secretary, Panchayat & Rural Development Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur (Chhattisgarh)
2. Deputy Secretary, Panchayat & Rural Development Department, Mahanadi Bhawan, Mantralaya, New Raipur, District- Raipur (Chhattisgarh)
3. G.P. Maheshwari (Executive Engineer), Gramin Vikas Sambhag, Ramanujanj, Distt. Balrampur (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Raghvendra Pradhan, Advocate
For Respondent/State	:	Shri Shashank Thakur, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****27/04/2015**

1. Petitioner is challenging the impugned order dated 27-3-2015, whereby the State Government has transferred the petitioner, an Executive Engineer, from the office of Project Implementation Unit, Chhattisgarh Rural Road Development Agency, Balrampur to the office of Rural Development Division, Balrampur, district Balrampur.
2. Learned counsel for the petitioner would submit that post of Executive Engineer in the office of Rural Development Division is not vacant because respondent No.3 G.P. Maheshwari, is already posted therein.
3. Since the impugned order does not affect change in station, as the order is local transfer and the same appears to be in administrative exigency, this

Court does not deem it appropriate to interfere with the impugned order in view of the limited scope of interference in such matters.

4. 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 employees 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 Tamil Nadu and another*¹, *Shilpi Bose (Mrs.) and others v. State of Bihar & another*², *State of M.P. and another v. S.S. Kourv and others*³, *Mohd. Masood Ahmad v. State of U.P. & others*⁴, *Chief Commercial Manager, South Central Railway, Secunderabad & others v. G. Ratnam & others*⁵ and *Airports Authority of India v. Rajeev Ratan Pandey & others*⁶).
5. However, considering the fact that the petitioner is also raising personal difficulties in carrying out transfer order, liberty is granted to the petitioner to file afresh representation, if the petitioner submits representation, the same may be considered by the competent authority, in accordance with law.
6. It is made clear that this Court has not expressed any opinion on the merits of the case and the respondent authorities shall decide the matter, on its own merits, strictly in accordance with law, without treating any observation made in this order, as opinion on the merits of the case.
7. Accordingly, the writ petition is disposed of.

JUDGE

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1 1974 (4) SCC 3
 2 (1991) Supp 2 SCC 659
 3 (1995) 3 SCC 270
 4 (2007) 8 SCC 150
 5 (2007) 8 SCC 212
 6 (2009) 8 SCC 337