

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2033 of 2015

Uttam Chandra Meshram S/o Late Shri Baldev Ram Meshram Aged
About 55 years, Occupation Service, Working as Senior Secretary,
Krishi Upaj Mandi Samiti, Gariyaband, Post Gariyaband, District
Gariyaband (Chhattisgarh).

---- Petitioner

Versus

1. State of Chhattisgarh, Through The Secretary, Department of
Agriculture, Mahanadi Mantralaya, Naya Raipur, Post Office &
Police Station Naya Raipur, District Raipur (Chhattisgarh)
2. Chhattisgarh Krishi Vipanan Board, Through its Managing Director,
Beej Bhawan, Chhattisgarh Hotel, Ravigram, Telibandha, Post
Telibandha, PS Raipur, Dist. Raipur (Chhattisgarh)
3. The President, Chhattisgarh Krishi Upaj Mandi Samiti, Post & PS
Baloda Bazar, District Baloda Bazar- Bhatapara (Chhattisgarh)
4. The Managing Director, Chhattisgarh Krishi Vipanan Board, Beej
Bhawan, Chhattisgarh Hotel, Ravigram, Telibandha, Post
Telibandha, PS Raipur, Dist. Raipur (Chhattisgarh)
5. Kanhaiya Lal Sonkar Aged About 61 Years, Senior Secretary, Krishi
Upaj Mandi Samiti, Nawapara, R/o Dhamtari, Dist. Dhamtari
(Chhattisgarh).

---- Respondents

For Petitioner- Shri Rajeev Shrivastava and Shri Gagan Tiwari, Advocates.

For Respondent/State – Shri S.C. Khakaria, Dy.A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order

14/07/2015

1. This is a petition against the order date 13/05/2015 (Annexure
P-1) whereby the petitioner has been transferred from Krishi Upaj
Mandi Samiti, Gariyaband, District Gariyaband to Krishi Upaj Mandi

Samiti Navapara, District Raipur on the ground of administrative exigencies. The said transfer order is under challenge.

2. Learned counsel for the petitioner would submit that petitioner from the year 2010 to 2011 was transferred for four times at different places i.e. initially at Takhatpur and then from Takhatpur to Baloda Bazar and from Baloda Bazar to Churiya and Naila and ultimately to Gariyaband. It is contended that one Kanhaiyalal Sonkar who has been transferred at place of petitioner has been shown to be transferred on his own request, in order to accommodate the said person namely Kanhaiyalal Sonkar who has been arrayed as respondent No.5. It is for this reason the petitioner is being transferred and stay was prayed.

3. Learned State counsel opposes the argument and submits that transfer is an exigencies of service and accordingly the petitioner has been transferred. Therefore the petition has no merits to go in for enquiry.

4. Perusal of the case would reflect that petitioner was lastly posted at Gariyaband by the transfer order dated 25/07/2011 i.e. from Churia to Gariyaband and took over the charge. Thereafter, he was transferred on 19/08/2011 from Gariyaband to Naila which was subject of challenge in WPS No.5005/2011. The said order was quashed by the High Court by its order dated 28th February, 2012 which is placed on record as Annexure P-4 and by virtue of

protection granted he continued at Gariyaband. Subsequently, again petitioner was transferred on 4/10/2012 from Gariyaband to Rajim on the administrative ground. That order was also subject of challenge in W.P.S. No.4698/2012 and by the interim order dated 17/10/2012 the said transfer order dated 4/10/2012 (Annexure P-7) was stayed. Copy of the interim order is Annexure P-11 filed with this petition. Subsequently, final order was passed in W.P.S. No.4698/2012 and in Lok Adalat the transfer order dated 4/10/2012 was ultimately quashed on the ground that considerable time has passed and since the interim protection was granted and petitioner continued in same place, the Lok Adalat by its order on 28th June, 2014 quashed the same.

5. Lastly this impugned order dated 13/05/2015 has been passed whereby petitioner has been transferred to Navapara and the ground has been assigned as administrative exigency.

6. Irrespective of the fact that petitioner prior to 2011 was transferred for many a times at different places but petitioner continued at his place of posting at Gariyaband from 25/07/2011. Subsequent transfer made in between intervening periods were subject of challenge by the petitioner in different writ petitions and ultimately the said transfer of the petitioner from Gariyaband to Naila and subsequently to Rajim was cancelled.

7. It is settled law that a transfer which is an incident of service

and is not to be interfered with by the courts unless it is shown to be clearly arbitrary or vitiated by mala fides or infraction of any professed norm or principle governing the transfer.

8. Survey of the entire facts would reveal that petitioner at present is continuing from 25/07/2011 at Gariyaband now it is year of 2015. Therefore, almost four years have passed. Clearly the petitioner can't get indefeasible right to remain at particular place. It is the case of the State when on the administrative ground when transfer has been made, petitioner is obliged to follow the same since transfer is a part of service condition. Therefore, in view of this, I am not inclined to interfere with such transfer order dated 13/05/2015.

9. Consequently, petition has no merit and it is dismissed at the motion stage itself.

Sd/-

(Goutam Bhaduri)
JUDGE