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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2143 of 2015**

- Smt. Amrita Bada W/o. Shri Rajkumar Yadav, aged About 35 years, Panchayat Secretary, Gram Panchayat Amdiha, Janpad Panchayat Farsabahar, Post & Thana- Farsabahar, District -Jashpur (C.G.)

---- Petitioner**Versus**

1. State of Chhattisgarh, Through: The Secretary, Panchayat & Rural Development, Department, Mahanadi Bhawan, New Raipur (C.G.)
2. Chief Executive Officer. Zila Panchayat, Jashpur. District Jashpur (C.G.)
3. Chief Executive Officer. Janpad Panchayat Farsabahar, District Jashpur (C.G.)
4. Shri Jagannath Jaiswal. Panchayat Secretary, Gram Panchayat Farsabahar, Janpad Panchayat, - Farsabahar, Post & Thana - Farsabahar, District Jashpur (C.G.)

---- Respondents

For Petitioner	:	Shri SK Verma, Advocate
For Respondents/State	:	Shri Sangharsh Pandey, Dy. GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****22/06/2015**

1. Petitioner is assailing the order Annexure P-1, whereby the Chief Executive Officer, Zila Panchayat, Jashpur has transferred the petitioner from the post of Panchayat Secretary, Gram Panchayat, Amdiha to Gram Panchayat, Farsabahar.
2. It is argued that vide order dated 8-5-2015, respondent No.4 Jagannath Jaiswal was transferred from Uperkacchar to Farsabahar. By the present

impugned order, respondent No.4 is shown to be transferred from Farsabahar to Amdiha, although respondent No.4 never worked at Farsabahar as he did not join at Farsabahar pursuant to the earlier order dated 8-5-2015.

3. It is submitted that the impugned order has been issued with the sole object of accommodating respondent No.4 at Amdiha.
4. Learned State counsel would submit that the petitioner has rushed to the Court without preferring any representation before the transferring authority and the transfer order being an administrative order, no case for interference is made out.
5. It is settled 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*

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

*Pandey & others*⁶).

6. In view of the above, the writ petition is disposed of with a direction that in the event, the petitioner prefers a representation before respondent No.2 within a period of 15 days from today, the said respondent shall consider and decide the same at the earliest, preferably within a period of six weeks thereafter.
7. Till the petitioner's representation is decided, the effect and operation of the impugned order shall remain stayed.
8. 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

Sd/-

(Prashant Kumar Mishra)

JUDGE

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⁶ (2009) 8 SCC 337