

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2261 of 2015**

- Anil Shrivastava son of late Lalta Prasad Shrivastava, aged about 50 years, R/o. LIG Sector-II, D.D.U. Nagar, Tahsil and District Raipur (C.G.)

---- Petitioner**Versus**

1. State of Chhattisgarh, Through: The Secretary- Higher Education Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (C.G.)
2. Indira Gandhi Agriculture University, Raipur, Through : The Registrar, Indira Gandhi Agriculture University, Raipur (C.G.)
3. Superintendent, Bhoutik Sayantra, I.G.A.U., Raipur, District Raipur (C.G.)

---- Respondents

For Petitioner	:Shri Atanu Ghosh, Advocate
For Respondent No.1/State	:Shri PK Bhaduri, GA for the State
For Respondents No.2 & 3	:Shri Shashank Thakur, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****29/06/2015**

1. Petitioner has assailed the legality and validity of the order passed by respondents No.2 & 3, posting the petitioner for working at Jagdalpur, as his Headquarter.
2. On the petitioner's own showing, the petitioner was assigned the work of supervising the construction and other works of Jagdalpur, Dhamtari, Kanker, Narayanpur, Dantewada, Gariyaband, Bijapur and Raipur. It appears, due to administrative exigency, in order to facilitate the petitioner to

properly supervise the work at those places, his headquarter has been changed from Raipur to Jagdalpur.

3. 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).
4. At this juncture, learned counsel for the petitioner would submit that the petitioner has personal difficulties in implementing the transfer order.
5. Be that as it may, it is not for the Court to consider the personal difficulties of the petitioner, therefore, the petitioner would be at liberty to raise the difficulties before the employer rather than before this Court. The writ petition is thus disposed of with a direction that in the

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

event the petitioner prefers a representation before the competent authority within a period of 15 days from today, the said authority shall decide the same, in accordance with law, within a period of four weeks thereafter.

Sd/-

JUDGE

(Prashant Kumar Mishra)

ashu