

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 2415 of 2015**

- Purushottam Agrawal S/o Late Rameshwar Prasad Agrawal Aged About 54 years Research Officer Central Soil & Material Testing Laboratory Water Resources Department, Raipur Tahsil & District Raipur (C.G.)

**---- Petitioner****Versus**

1. State of Chhattisgarh Through The Secretary, Water Resources Department, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur Chhattisgarh
2. Ashok Kumar Chhajed Executive Engineer, Raipur Research Officer, Central Soil And Material Examine, Laboratory Raipur Chhattisgarh

**---- Respondents**


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|---------------------------|---|-----------------------------------------------------------------------------------|
| For Petitioner            | : | Shri HB Agrawal, Sr. Advocate with Ms. Preeti Yadav, advocate for the petitioner. |
| For Respondent No.1/State | : | Shri PK Bhaduri, GA for the State.                                                |
| For Respondent No.2       | : | Shri Abhishek Sinha, Advocate                                                     |

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**Hon'ble Shri Justice Prashant Kumar Mishra****Order On Board****07/07/2015**

1. Petitioner has assailed the order dated 2-7-2015 (Annexure P-5), whereby the petitioner has been transferred from the office of in charge Research Officer, Central Soil and Material Testing Laboratory, Water Resources Department, Raipur to the post of Assistant Engineer, office of Chief Engineer, Mahanadi Project, Raipur. The petitioner has also assailed the promotion and posting order of respondent No.2, who has been promoted to the post of Executive Engineer and has been posted as Research Officer, Central Soil and Material Testing Laboratory, Water Resources Department,

Raipur, in place of the petitioner.

2. Shri HB Agrawal, learned senior advocate appearing for the petitioner would submit that on 15-7-2014, the petitioner was transferred from Raipur to Balod, which was complied by him and at the same time he preferred a representation, which was allowed and the transfer order was cancelled, pursuant to which the petitioner joined at the present place of posting in the month of January, 2015. However, within a period of six months, the present impugned order has been passed which amounts to frequent transfer and has been so made only to accommodate respondent No.2.
3. Having heard learned counsel for the parties, this Court is of the considered opinion that the petitioner does not hold the post of Executive Engineer in substantive capacity. The post of Research Officer, Central Soil and Material Testing Laboratory, Water Resources Department, Raipur, is a post of the rank of Executive Engineer. The petitioner is a Assistant Engineer and he was posted as in charge Research Officer, Central Soil and Material Testing Laboratory, Water Resources Department, Raipur, therefore, he has no right to hold the post.
4. Even otherwise, there is no change in the place/station of posting because despite the impugned order, the petitioner shall remain at Raipur.
5. 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<sup>1</sup>, Shilpi Bose (Mrs.) and others v. State of Bihar & another<sup>2</sup>, State of M.P. and another v. S.S. Kourv and others<sup>3</sup>, Mohd. Masood Ahmad v. State of U.P. & others<sup>4</sup>, Chief Commercial Manager, South Central Railway, Secunderabad & others v. G. Ratnam & others<sup>5</sup> and Airports Authority of India v. Rajeev Ratan Pandey & others<sup>6</sup>).*

6. For the foregoing, there is no substance in the writ petition, it fails and is accordingly dismissed.

Sd/-

JUDGE

Prashant Kumar Mishra

Ashu

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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