

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2770 of 2015**

- Sunil Kumar Chandrele S/o. Shri K.L. Chandrele Aged About 29 years
Occupation - Service, Posted As Rural Health Organizer, At Sub Health
Center Pendakodo, Community Health Center Mohla, R/o. Kanhenagar
Ward No. 5, P.S.- Ambagarh Chowki, Civil & Revenue Distt.- Rajnandgaon
(Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary Health & Family Welfare
Department Mantralaya Mahanadi Bhawan, Capital Complex New Raipur,
Distt.- Raipur (Chhattisgarh)
2. Director, Health And Family Welfare Department Raipur, Distt.- Raipur
(Chhattisgarh)
3. Collector Rajnandgaon, Distt.- Rajnandgaon (Chhattisgarh)
4. Chief Medical & Health Officer Rajnandgaon, Distt.- Rajnandgaon
(Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Samir Singh, Advocate
For Respondent-State	:	Shri Sangharsh Pandey, Dy. GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****04/08/2015**

1. Petitioner has assailed the legality and validity of the impugned order
passed by the Collector, Rajnandgaon, whereby he has been transferred
from Sub-Health Centre, Pendakodo to Sub-Health Centre, Gwalgundi on
administrative grounds.
2. Learned counsel for the petitioner would submit that the petitioner has
barely completed two years posting at the present place, yet he has been

transferred to a place which is nearly 200 km away. He would submit that his children are studying in Primary and Middle School, therefore, mid session transfer would affect their studies.

3. Bare perusal of the impugned order would reveal that the same has been passed on administrative grounds. The transferred place is within the same district. The petitioner has not alleged any mala fide or violation of any statutory provision, nor has demonstrated that the impugned order would affect any of his service condition. Transfer being an incidence of service, this Court has limited jurisdiction to interfere with such orders.
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. For the foregoing, this Court does not find any substance in the writ petition, it deserves to be and is hereby dismissed.

Sd/-

Judge

Prashant Kumar Mishra

Ashu

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