

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2779 of 2015

- Smt. Parul Singh, W/o P.S.G. Vijay, Aged About 37 years, Working as Panchayat Secretary, at Gram Panchayat Kankerlanka, District Sukma, R/o Old Bus Stand Konta, Tahsil Konta, P S Konta, District Sukma, (Chhattisgarh)

---- Petitioner

Versus

- State Of Chhattisgarh, Through the Secretary, Department Of Panchayat & Rural Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, (Chhattisgarh)
- The Collector Sukma District Sukma, (Chhattisgarh)
- The Chief Executive Officer, Jila Panchayat Sukma, District Sukma, (Chhattisgarh)
- The Chief Executive Officer Janpad Panchayat Konta, Tahsil Konta, District Sukma, (Chhattisgarh)
- Ashok Kumar Chaturvedi, Presently Posted As Panchayat Secretary, Gram Panchayat Kottacheru, Janpad Panchayat Konta, Tahsil Konta, District Sukma (Chhattisgarh)

---- Respondent

For Petitioner

Mr. Mateen Siddique, Advocate

For Respondent/State

Mr. P.K. Bhaduri, Government Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

04/08/2015

Heard finally with the consent of learned counsel for the parties.

(2) Learned counsel for the petitioner would submit that initially, the petitioner was transferred to Burklanka and one Ravindra Kumar

Thakur was transferred to Kankerlanka, however, subsequently, the order has been amended to transfer the petitioner to Dubbatota and respondent No.5 is brought in to Kankerlanka. Thus, his submission is to the effect that the modification has been made to accommodate respondent No.5.

(3) If the authorities would have desired to accommodate respondent No.5, the same would have been done in the first order itself. Merely because, the first order has suffered some modification, it cannot be presumed that the same has occasioned only to accommodate respondent No.5. There is no allegation that respondent No.5 has wielded influence and is so powerful being close to the persons in power that he would manipulate his posting at Kankerlanka.

(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).

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

(5) For the foregoing reasons, this Court is of the considered opinion that the impugned transfer order does not call for any interference in this petition filed under Article 226 of the Constitution of India.

(6) Accordingly, the writ petition is dismissed.

Sd/-

Judge

(Prashant Kumar Mishra)

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