

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3138 of 2015**

T. R. Gritlahare, Aged 60 years, S/o Shri Bawa Ram Gritlahare,
Working As- Senior Agriculture Development Officer, At- Block -
Kasdol, District- Baloda Bazar- Bhatapara [Chhattisgarh]

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through- The Secretary, Department Of Agriculture, Mantralay, Mahanadi Bhawan, Naya Raipur.
2. The Director, Directorate, Agriculture, Chhattisgarh, Indrawati Bhawan, Naya Raipur.
3. Shri Mahesh Ram Tande, Senior Agriculture Development Officer Block - Chhindgarh, District- Sukma [Chhattisgarh]

---- **Respondent**

For Petitioner : Shri RK Kesharwani, Advocate.

For Respondent/State : Shri S. Majid Ali, Panel Lawyer.

Hon'ble Shri Justice Prashant Kumar Mishra**C A V Order**

Passed on : 28/08/2015

1. The petitioner is working as Senior Agriculture Development Officer.
He is aggrieved by the impugned order dated 18.8.2015 whereby the State Government has transferred him in the same capacity to Chhindgarh, District Sukma.
2. Learned counsel for the petitioner would submit that the petitioner was earlier posted in Bastar District from 1979-1982, therefore, he should

not have been posted in the scheduled area once again. He would also refer to clause-1.5 of the State Government's circular dated 3.6.2015 concerning posting of Government servants in the scheduled area wherein it is mentioned that as far as possible the employees who are more than 55 years of age should not be posted in remote scheduled area.

3. It appears, the petitioner has already completed more than 3 years at the present place of posting. The guidelines dated 3.6.2015 say that as far as possible, Government servants more than 55 years of age may not be posted in remote scheduled area. However, there is no prohibition for transferring such employees in the remote scheduled areas if the administrative exigency arises. The impugned order itself says that the order has been passed on administrative ground and the same has been issued after seeking approval in coordination.
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 employee 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.*

¹ 1974 (4) SCC 3

² (1991) Supp 2 SCC 659

*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. In view of the above, this Court does not find any substance in the writ petition, which deserves to be and is hereby dismissed.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve

3 (1995) 3 SCC 270

4 (2007) 8 SCC 150

5 (2007) 8 SCC 212

6 (2009) 8 SCC 337