

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3886 of 2015**

Smt. P. Lakra W/o Abraham Lakra aged about 42 years presently working on the post of Supervisor Integrated Child Development Project Basna District Mahasamund (CG)

---Petitioner**Versus**

1. State of Chhattisgarh through the Secretary Department of Woman and Child Development Mahanadi Bhawan New Raipur District Raipur (CG)
2. District Program Officer Woman and Child Development Mahasamund District Mahasamund (CG)
3. Project Officer Woman and Child Development Basna District Mahasamund (CG)

---Respondents

For Petitioner	:	Mr. A.N. Pandey, Advocate
For State	:	Mr. Dheeraj Wankhede, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****29/10/2015**

1. The petitioner was transferred by order dated 08/07/2014 from Basna, District Mahasamund to Makdi Sector Karawahi District Kondagaon. The petitioner filed W.P.(S) No.777/2015, which she has withdrawn with liberty to make a representation by order dated 12/03/2015. The said representation has been rejected by the State Government vide order dated 07/04/2015 after due consideration and thereafter the petitioner is said to have been relived from the present place of posting.

2. 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. 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).

3. In view of the above, this Court is not inclined to interfere with the impugned transfer order as well as the order rejecting representation. The writ petition being devoid of any merit deserves to be and is hereby dismissed.

Sd/-
(Sanjay K. Agrawal)
JUDGE

Tiwari

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