

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.4643 of 2015**

Natthu Ji Rao Garad, S/o Deo Ji Garad, aged about 60 years, working as Sub Engineer, Janpad Panchayat, Fingeshwar (Rajim), District Gariyaband (CG)

---- Petitioner**Versus**

1. State of Chhattisgarh, through the Secretary, Department of Panchayat and Rural Development, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur.
2. Janpad Panchayat, Fingeshwar (Rajim), through its Chief Executive Officer, District Gariyaband (CG)
3. Engineer-in-Chief, Rural Engineering Services Development, Commissioner Officer, Raipur, District Raipur (CG)

--- Respondents

For Petitioner : Shri Shrawan Agrawal, Advocate
 For Respondents : Shri Y.S. Thakur, Dy.A.G.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****08/12/2015****(1)** Heard.

(2) By the impugned order dated 31.10.2014, the petitioner has been transferred from Janpad Panchayat, Fingeshwar (Rajim), District Gariyaband to Chhattisgarh Gramin Sadak Vikas Abhikaran, Kanker.

(3) The petitioner filed W.P.(S) No.6021/2014 & W.P.(S)

No.1298/2015 before this Court which were disposed of directing the petitioner to file a representation before the respondent No.1- the Secretary, Department of Panchayat and Rural Development, Raipur and ultimately, the representation of the petitioner has been rejected by the Additional Principal Secretary, Department of Panchayat and Rural Development, Raipur vide order dated 09.02.2015 after due consideration. Against which, this petition has been filed by the petitioner.

(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 Naidu 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) 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

L/-