

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4872 OF 2015**

S.K. Mishra S/o Late K.P. Mishra aged about 58 years R/o Warehouse Road Mahamaya Vihar Street No-R-3 Bilaspur Police Station Civil Line Bilaspur Tahsil Bilaspur District Bilaspur (CG)

---Petitioner**Versus**

1. State of Chhattisgarh through Secretary Department of Veterinary Development Mahanadi Bhawan Mantralaya Capital Complex Naya Raipur District Raipur (CG)
2. Under Secretary Department of Veterinary Development Mahanadi Bhawan Mantralaya Capital Complex Naya Raipur District Raipur (CG)
3. Director Veterinary services C.G. Capital Complex Indiravati Bhawan Naya Raipur District Raipur (CG)
4. Joint Director Veterinary services Composite Building Bilaspur District Bilaspur (CG)
5. Philidiyus Panna working as Assistant Statistics Officer Office of Deputy Director Veterinary Service Jashpur Tahsil and P.S. Jashpur District Jashpur (CG)

----Respondents

For Petitioner	: Mr. A.K. Yadav, Advocate
For Respondent/State	: Mr. Dhiraj Wankhede, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****16/12/2015**

1. By the impugned order dated 28/11/2015, petitioner has been promoted from the post of Assistant Statistics Officer to the

post of Assistant Director and has been transferred to Bastar.

2. Learned counsel for the petitioner would submit that impugned order of transfer is bad in law as the petitioner has personal difficulty to join at Bastar and his wife is also working at Bilaspur.

3. The fact remains that the petitioner has been promoted on the higher post of Assistant Director and transferred to Bastar on the ground of administrative exigency. 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*

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

*Authority of India v. Rajeev Ratan Pandey & Others*⁶).

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

Sd/-
(Sanjay K. Agrawal)
JUDGE

Tiwari

⁶ (2009) 8 SCC 337