

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2177 of 2015

- Hark Ram Sahu S/o Late Shri Nagwa Ram Sahu, Aged About 58 years, Senior Internal Audit and Taxation Officer, Janpad Panchayat, Bhanupratap-pur, Post & Thana- Bhanupratap-Pur, District- Kanker. (C.G.).

---- Petitioner

Versus

1. State Of Chhattisgarh, Through : The Secretary, Panchayat & Rural Development, Department, Mahanadi Bhawan, New Raipur (C.G.).
2. The Collector, Kanker. District- Kanker. (C.G.).
3. Chief Executive Officer. Zila Panchayat, Kanker. District- Kanker (C.G.)
4. Chief Executive Officer. Janpad Panchayat, Bhanupratap-pur. District- Kanker (C.G.)

---- Respondents

For Petitioner	: Shri Somkant Verma, Advocate
For Respondent/State	: Shri Sangharsh Pandey, Deputy Govt. Advocate

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

24/06/2015

1. Learned counsel for the petitioner would submit that the petitioner is working as Senior Internal Audit and Taxation Officer at Janpad Panchayat, Bhanupratappur, District Kanker. By the impugned order he has been shifted to Manendragarh, District Koriya.
2. Learned counsel for the petitioner would submit that the petitioner's family is settled at Bhanupratappur; whereas transferred place is about 700 Kms. away from present place of posting and no one is posted in place of petitioner. Therefore, the impugned transfer order is arbitrary and illegal.
3. 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 and another* (1974) 4 SCC 3, *Shilpi Bose (Mrs.) and others v. State of & another* (1991) Supp 2 SCC 659, *State of and another v. S.S. Kourv and others* (1995) 3 SCC 270, *Mohd. Masood Ahmad v. State of U.P. & Others* (2007) 8 SCC 150, *Chief Commercial Manager, South Central Railway, Secunderabad & Others v. G. Ratnam & Others* (2007) 8 SCC 212 and *Airports Authority of India v. Rajeev Ratan Pandey & Others* (2009) 8 SCC 337).

4. Be that as it may, considering the fact that the petitioner is raising personal difficulties in carrying out transfer order and for the fact that those difficulties should be addressed before the employer rather than before this Court, the writ petition is disposed of with a direction that in the event the petitioner prefers a representation before the competent authority within a period of 15 days from today, the said authority shall decide the representation in accordance with law within a period of four weeks thereafter.
5. For a period of 4 weeks from today the impugned transfer order shall remain stayed qua the petitioner.

Sd/-
JUDGE
(Prashant Kumar Mishra)