

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2748 of 2015

- Ghanshyam S/o Bhrigu Aged About 43 years Mechanical Fitter, R/o. Chirimiri, Near D.A.V. School, House No. 279, Chirimiri, P.S. And Tahsil Chirmiri, District Korla (Chhattisgarh)

---- Petitioner

Versus

1. The General Manager, South Eastern Coalfield Limited, Chirimiri, Area, P.S. And Tahsil Chirmiri, District Korla (Chhattisgarh)
2. The Area Personnel Manager, Chirimiri Area, South Eastern Coalfield Limited, Chirmiri, District Korla (Chhattisgarh)
3. Sub Area Manager, Chirimiri Underground Sub Area, South Eastern Coalfield Limited, Chirimiri, District Korla (Chhattisgarh)

---- Respondents

For Petitioner	Shri J. K. Shastri, Advocate
For Respondents	Shri Vinod Deshmukh, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

03/08/2015

1. With the consent of the learned counsel for the parties, the matter is heard finally.
2. The petitioner is aggrieved by his transfer as Mechanical Fitter from APM Chirimiri Area, Bartunga Hill Mine to Vijay West UG Mine, Rani Atari Sub Area, Chirimiri Area.
3. It is argued that the petitioner is the Secretary of Bhartiya Koyala Khadan Mazdoor Sangh, Chhattisgarh, therefore, the order has been

passed to victimize him. He would submit that the petitioner has old aged infirm parents dependent upon him and there is no quarter/accommodation in the newly transferred area, therefore, the impugned order deserves to be interfered with.

4. It is settled law that transfer is an incident of service and the Court has limited jurisdiction to interfere with the transfer order unless the same is exfacie malafide or it violates any statutory provision or it otherwise adversely affects the service condition of the transferee. (See : **E.P. Royappa v. State of Tamil Nadu and another¹**, **Shilpi Bose (Mrs.) and others v. State of Bihar & another²**, **State of M.P. and another v. S.S. Kourv and others³**, **Mohd. Masood Ahmad v. State of U.P. & others⁴**, **Chief Commercial Manager, South Central Railway, Secunderabad & others v. G. Ratnam & others⁵** and **Airports Authority of India v. Rajeev Ratan Pandey & others⁶**)
5. None of the permissible ground for invoking jurisdiction under Article 226 of the Constitution of India is made out in the present case, therefore, no case for interference is made out.
6. Accordingly, the writ petition is dismissed.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala

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 377