

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3294 of 2015

- Jagdish Prasad Khare S/o Shri Tulsi Ram Khare, Aged About 44 Years Assistant Grade- 2, Tehsil Office Korba R/o N H-12, New Rajswa Colony, Rampur, Korba, Distt. Korba (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Revenue And Disaster Management Department, Mahanadi Bhawan, Naya Mantralaya, New Raipur (Chhattisgarh)
2. Commissioner, Bilaspur Division, Mungeli Naka, Bilaspur, Distt. Bilaspur (Chhattisgarh)
3. Collector, Korba, Distt. Korba (Chhattisgarh)
4. Tehsildar, Tehsil Korba, Distt. Korba (Chhattisgarh)

---- Respondents

For Petitioner	Shri D.R. Patel, Advocate
For Respondent/State	Shri P.K. Bhaduri, GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

09/09/2015

1. With the consent of the learned counsel for the parties, the matter is heard finally.
2. By the impugned order dated 20.07.2015, the petitioner, who is working as Assistant Grade-II, has been transferred from Sub Tahsil Barpali, Tahsil Kartala to Tahsil Podiuproda. The order was assailed in WPS No.2864/2015 on the ground that the petitioner is working at Tahsil Office Korba, therefore, the order showing him to be working at Sub Tahsil Barpali is incorrect. This Court permitted the petitioner to submit representation before the Collector. The petitioner's representation has now been decided by the second impugned order

dated 04.09.2015.

3. While deciding his representation, the Collector, Korba has mentioned that the petitioner's original place of posting is at Sub Tahsil Barpali, Tahsil Kartala, however, by order dated 04.08.2012, he was attached/temporarily posted at Tahsil Office Korba. Thus, according to the Collector, the petitioner's original place of posting, from which he is drawing his salary, is Sub Tahsil Barpali, Tahsil Kartala. The petitioner had also raised a ground that he being the Vice President of the Trade Union Council of Korba, he is exempted from transfer in view of the State Government's circular dated 24.04.1996. The Collector has observed that under the said circular, the president, secretary and treasurer of the recognized union are exempted from transfer for two terms, whereas the petitioner is vice president of the union and does not fall under the category of exempted office bearers.
4. In the considered opinion of this Court, the Collector has considered all the relevant aspects of the matter while dealing with the petitioner's representation.
5. In the matters concerning transfer, this Court has limited scope of judicial review. Inasmuch as, this Court does not interfere with the transfer order unless it is *per se* malafide, or in violation of any statutory provision or it otherwise adversely affects the service condition of an employee. None of such grounds exists in favour of the petitioner for interference in this petition.
6. Accordingly, the writ petition is dismissed.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA