

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 462 of 2015**

Ranvir Kapoor S/o Shri R.S.Kapoor, aged about 61 years, Labor Officer, Posted at Ambikapur, Post & Thana Ambikapur, District Sarguja at Ambikapur, Chhattisgarh.

---- Appellant**Versus**

1. State of Chhattisgarh, Through: the Secretary, Ministry of Labor, Mahanadi Bhawan, New Raipur, Chhattisgarh.
2. The Labor Commissioner, Chhattisgarh, Indrawati Bhawan, New Raipur, Chhattisgarh.
3. Anil Kujur S/o Late Shri K.L.Kujur, aged about 55 years, Labor Officer, Posted at Balrampur, Post & Thana Balrampur, District Balrampur, Ramanujganj, Chhattisgarh.

---- Respondents

For Appellant	:	Shri Rajeev Shrivastava and Shri Somkant Verma, Advocates.
For Respondents/State	:	Shri B. Gopa Kumar, Deputy Advocate General.

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri P. Sam Koshy, J.

Judgment on Board**Per Navin Sinha, Chief Justice****05/10/2015**

1. The present appeal arises from order dated 11.9.2015 dismissing Writ Petition (S) No. 3323 of 2015 declining to interfere with the order for transfer of the Appellant.
2. Learned Counsel for the Appellant submits that he was transferred barely 9 months after posting. Reliance is placed on government transfer policy dated 1.7.2015 that the minimum period of posting at a place should be one year. It was next submitted that the Appellant has approximately a year only to retire and which is also a relevant consideration not to disturb him.

3. Learned Counsel for the State submits that the order for transfer has been passed in exigency of service. The Learned Single Judge has already observed that the Appellant may represent before the authorities. The order under appeal calls for no interference.

4. We have considered the submissions and are of the opinion that the Learned Single Judge has rightly opined that in absence of any allegation for violation of any statutory rules or apparent malafide, it is not for a writ Court to interfere with matters of transfer in exercise of powers under Article 226 of the Constitution. Transfer and posting being incidence of service, it is for the employer to take decisions with regard to the same except in exceptional circumstances as noticed by the Learned Single Judge. The transfer policy sought to be relied upon on behalf of the Appellant is not a statutory rule. Government instructions or policies with regard to transfer and posting are more in the nature of guidelines, deviation and in certain cases violation, are also inherent in government instructions and guidelines. The Appellant has not alleged any malafides except for urging that transfer barely within 9 months was malafide. We are not inclined to agree with that submission.

5. If the Appellant represents, it does not preclude the Respondents from considering the representation in their administrative wisdom without being prejudiced by our reluctance to entertain this matter.

6. The writ appeal is dismissed.

Sd/-

(Navin Sinha)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE