

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Appeal No. 378 of 2015

- Kripashankar Prasad S/o Late Shri Ram Prasad, Aged about 50 years, R/o Quarter No. T- 36/2, M. I. T. I. Colony, Koni, Police Station Koni, District Bilaspur, (Chhattisgarh)

---- Appellant

Versus

- State of Chhattisgarh Through The Secretary, Technical Education, Man Power Employment, Science And Praudhyogiki Department, Mahanadi Bhawan, Mantralaya, New Raipur, (Chhattisgarh)
- The Principal, Government Industrial Training Institute, Koni, District Bilaspur (Chhattisgarh)
- Banshilal Kashyap, Posted as Training Officer (Hindi Language), Industrial Training Institute, Bastar, District Bastar (Chhattisgarh)
- Transfer Examination Committee, Through the Chairman, Government of Chhattisgarh Mahanadi Bhawan, Mantralaya, New Raipur (Chhattisgarh)

----- Respondents

For Appellant	: Shri Prateek Sharma, Advocate
For Respondents No.1,2 & 4/State	: Shri Arun Sao, Dy. A.G.
For Respondent No.3	: Shri R.R. Soni, Advocate on caveat.

Hon'ble Shri Justice Pritinker Diwaker and
Hon'ble Shri Justice Inder Singh Uboweja

CAV JUDGMENT

Passed on : 07/08/2015

Per Printinker Diwaker, J.

1. The substantive post of the appellant is training officer in the Department of Technical Education. On 10-07-2014, the appellant/petitioner was transferred from Govt. Industrial Training Institute, Koni, Bilaspur to

Government Industrial Training Institute, Bastar, District Bastar and by the same order, respondent No.3 was transferred from Bastar to Koni, Bilaspur. That order was assailed by the appellant/petitioner in W.P.(S) No. 3284/2014 on various grounds which was decided on 17-07-2014, whereby this Court permitted the petitioner to file a representation and on that being done the competent authority was directed to decide the said representation as early as possible preferably within a period of four weeks. At the same time, interim protection of status-quo was granted in favour of the appellant for four weeks. However, the representation filed by the petitioner was rejected by the Deputy Secretary of the concerned department on 04-08-2014. As the representation was not decided by the Transfer Committee, the appellant/petitioner preferred another writ petition before this Court i.e. W.P.(S) No. 4162/2014 which was also disposed of by this Court on 10-02-2015 directing the Transfer Committee to decide the representation. As informed, on 04-06-2015, the said Committee has rejected the representation of the petitioner and the same was communicated to him vide order dated 05-06-2015. It is this order which was challenged by the petitioner in his third writ petition i.e. W.P. (S) No. 2301/2015 which has been rejected by the impugned order.

2. Learned counsel for the appellant submits that the representation of the appellant has been rejected in a mechanical manner without application of mind ignoring the fact that transfer order has been issued without there being any administrative exigency. He further submits that the transfer order is in complete violation of the transfer policy. It has been further argued that even while deciding the representation, the procedure prescribed has not been followed.
3. On the other hand, supporting the impugned order, it has been argued by the learned State counsel as also counsel for respondent No.3 that the transfer is an incidence of service and looking to the administrative exigency, the State Government can always transfer its employees. They further argued that on three occasions the appellant/petitioner has tried to assail the transfer order and since he is rooted at the present place of posting for last 20 years, he is not entitled for the relief sought for in this appeal. They further pointed out that the appellant/petitioner has already been relieved from Bilaspur.
4. We have heard learned counsel for the parties and perused the impugned order.

5. It is a settled principle of law that the transfer is an incidence of service and no one has any right to remain stuck at one place of posting for ever. The representation of the appellant/petitioner has been decided by the competent authority after considering all the aspects of the case and there is no infirmity in the order rejecting the representation. So also, learned Single Judge has passed the order impugned after considering the various judgments of the Supreme Court. We find no illegality in the impugned order warranting interference in this appeal.
6. Accordingly, the appeal is dismissed.

Sd/-
(Pritinker Diwaker)
JUDGE

Sd/-
(I.S. Uboweja)
JUDGE