

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2776 of 2015**

- Mohan Nishad S/o. Shri Loknath Nishad Aged About 42 years Occupation- Service, Posted As Rural Health Organizer, At Community Health Center Dongargaon, R/o. Ganjpara, P.S.- Ambagarh Chowki, Civil & Revenue Distt.- Rajnandgaon (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary Health & Family Welfare Department Mantralaya Mahanadi Bhawan, Capital Complex New Raipur, Distt.- Raipur (Chhattisgarh)
2. Director, Health And Family Welfare Department Raipur, Distt.- Raipur (Chhattisgarh)
3. Collector, Rajnandgaon, Distt.- Rajnandgaon (Chhattisgarh)
4. Chief Medical & Health Officer Rajnandgaon, Distt.- Rajnandgaon (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Samir Singh, Advocate
For Respondent-State	:	Shri Shashank Thakur, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****04/08/2015**

1. Petitioner has preferred this writ petition challenging the legality and validity of the impugned transfer order passed by the Collector, Rajnandgaon. By the said order, the petitioner, who is working as Rural Health Organizer, has been transferred from Community Health Centre, Dongargaon to Sub-Health Centre, Bhothali, CHC, Chhuikhadan on administrative grounds.
2. It is argued that the petitioner has joined services at the present place of posting in January, 2013 and has barely completed 2 & ½ years at the

present place, therefore, his transfer is illegal. It is also stated that the transfer place is at a distance of 175 Km; he has admitted his children in the School at Dongargaon and no one is posted in his place, therefore, the impugned order deserves to be set aside.

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 employees 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 Tamil Nadu and another*¹, *Shilpi Bose (Mrs.) and others v. State of Bihar & another*², *State of M.P. and another v. S.S. Kourv and others*³, *Mohd. Masood Ahmad v. State of U.P. & others*⁴, *Chief Commercial Manager, South Central Railway, Secunderabad & others v. G. Ratnam & others*⁵ and *Airports Authority of India v. Rajeev Ratan Pandey & others*⁶).
4. In view of the above and for the reason that this Court has limited power to interfere with the transfer order, unless the same is accentuated with mala fide or is in violation of any statutory provision that has affected any service condition of the employee, since none of the said situation is arising, this Court is not inclined to interfere with the impugned order.
5. Accordingly, the writ petition is dismissed.

Sd/-

Judge

Prashant Kumar Mishra

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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 337