

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.4605 of 2015**

Govind Singh Uddey, S/o late Ramu Singh, aged about 41 years, posted as Supervisor on Community Health Centre Dhamdha, District Durg (CG)

---- Petitioner**Versus**

1. State of Chhattisgarh, through Secretary, Health and Family Welfare Department, Secretariat, Mahanadi Bhawan, Police Station and Post Rakhi, New Raipur, District Raipur.
2. Director, Health Services Chhattisgarh, Third Floor, Indrawati Bhawan, New Raipur, District Raipur.
3. Collector, Durg, District Durg.
4. Chief Medical and Health Officer, Durg, District Durg (CG)

--- Respondents

For Petitioner : Shri Y.C. Sharma, Advocate
 For Respondents : Shri A.V. Shridhar, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****03/12/2015****(1)** Heard.

(2) The petitioner was transferred by order dated 15.07.2014 from Community Health Centre, Dhamdha to Sector Selud Patan on administrative ground.

(3) The petitioner filed W.P.(S) No.3622/2014 before this Court which was dismissed as withdrawn with liberty to prefer a representation before the concerned authorities on the ground mentioned in the petition. The said representation has been rejected by the respondent No.2-Director, Health Services Chhattisgarh, Raipur vide order dated 09.11.2015 after due consideration. Against which, this petition has been filed by the petitioner.

(4) 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 employee 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 Naidu 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).

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

(5) In view of the above, this Court is not inclined to interfere with the impugned transfer order as well as the order rejecting representation. The writ petition being devoid of any merit deserves to be and is hereby dismissed.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-