

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3561 of 2015

- Ramrahish Tiwari S/o Ram Vishal Tiwari, Aged About 52 Years Working As Regular Peon, Govt. Middle School, Kanjiya, Block Bharatpur, District Koriya, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Schedule Caste And Schedule Tribe Department, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh
2. Commissioner, Schedule Caste And Schedule Tribe Department, Raipur, Chhattisgarh
3. Collector, Koriya, District Koriya, Chhattisgarh

---- Respondents

For Petitioner	Shri C.J.K. Rao, Advocate
For Respondent/State	Shri S. Majid Ali, PL

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

05/10/2015

1. The petitioner is aggrieved by the order dated 07.09.2015, whereby the petitioner, who is working as Peon in Government Middle School, Kanjiya, has been posted at the Scheduled Tribe Pre Matric Boys Hostel, Kanjiya, due to implementation of rationalization scheme.
2. According to the learned counsel for the petitioner, the petitioner is regular peon and by passing the impugned order, the petitioner has been posted at Contingency Paid Establishment, which is not just and

proper.

3. It is to be seen that even in the impugned order, the petitioner's place of posting *vis-a-vis* the station or headquarter is not changed.
4. When the Government undertakes rationalization of employees and in that course it passes orders of posting, the said rationalization includes posting as well as transfer, because in a scheme of rationalization various aspects like need of the person, availability of work, suitability of the person in a particular posting etc. is taken care of. In that sense posting/rationalization is not by itself a transfer, but it includes an element of transfer also. The ordinary tenets of transfer appears to be included in rationalization, but the same is not only a transfer but is a posting depending upon various factors. It is not in the domain of the writ Court to decide or to embark upon judicial review to assess the legality of the exercises undertaken by the Government keeping in view its own administrative interest and the aspiration of the local populace.
5. The petitioner has not placed before this Court any such facts by which it can be demonstrated that subject rationalization is in violation of any statutory provisions or is otherwise *mala fide* in nature.
6. Accordingly, the writ petition is dismissed.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA