

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 313 of 2016**

- Ashok Kumar Kaneria, son of Shri B.R. Kaneria, aged about -53 years, Fisheries Inspector, in the office Deputy Director, Fisheries, Durg, Tah. & Distt. Durg, Civil and Revenue Distt. Durg (C.G.)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through: The Secretary, Agriculture (Fisheries), Department, Mahanadi Bhavan, New Raipur (C.G.)
2. Director, Fisheries, Chhattisgarh Indrawati Bhavan, 4th Floor, New Raipur (C.G.)
3. Deputy Director, Fisheries, Durg, Distt. Durg (C.G.)
4. Pawan Kumar Verma, Fisheries Inspector, In office of Assistant Director Kabirdham, Distt. Kabirdham (C.G.)

---- Respondents

For Petitioner	:	Shri M.K. Sinha, Advocate.
For Respondents	:	Shri Arun Sao, Dy. A.G.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****04/02/2016**

(1) The petitioner, who is working as Fisheries Inspector, has been transferred from the office of Deputy Director, Fisheries, Distt. Durg to the office of Assistant Director, Bodala, Distt. Kabirdham by order dated 15.07.2014 passed by the State Government, against which, petitioner preferred W.P. (S) No.3713/2014 before this Court, in which coordinate Bench of this Court directed the petitioner to file representation to the State Level Committee of Senior Secretaries; pursuant to which as per recommendation of the State Level Committee, respondent No. 1

by order dated 28.04.2015, revoked the transfer order dated 15.07.2014 in respect of the petitioner. Against the order dated 28.04.2015, respondent No.4- Pawan Kumar Verma filed writ petition No.1729/2015 before this Court in which, this Court by order dated 30.7.2015, set aside the order dated 28.04.2015 and now by order dated 15.01.2016, the State Government has transferred the services of the petitioner from Durg to Kabirdham, against which this writ petition has been filed questioning the same.

(2) I have heard learned counsel appearing for the parties and perused the record with utmost circumspection.

(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).

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

(4) Fact remains that petitioner's representation was considered and it was allowed by order dated 28.04.2015, which has been set aside by this Court in writ petition No. 1729/2015 filed by respondent No. 4 – Pawan Kumar Verma on 30.07.2015 in which petitioner was also party respondent and that order has become final. Thus, I do not find any illegality in the order impugned warranting interference by this Court under Article 226 of the Constitution of India.

(5) Accordingly, the writ petition fails and is hereby dismissed.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-