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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.381 of 2016**

N.K. Dubey, S/o late Shri Bala Prasad Dubey, aged about 61 years, posted as Sub Inspector (M), R/o Vinayak Sadan, A-5, Panchvati Colony, Akriti Vihar, Amlidih, Raipur.

---- Petitioner**Versus**

1. State of Chhattisgarh, through Secretary, Department of Home, Mahanadi Bhavan, Mantralaya, New Raipur.
2. Police Head Quarters, through Director General of Police, P.H.Q. Chhattisgarh, Raipur.
3. Inspector General of Police (Admin), P.H.Q. Chhattisgarh, Raipur.
4. Deputy Inspector General of Police, Range-Raigarh, Raigarh (CG).
5. Superintendent of Police, Raigarh.

--- Respondents

For Petitioner : Shri Devershi Thakur, Advocate

For Respondents : Shri Arun Sao, Dy.A.G.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****08/02/2016****(1)** Heard.

(2) By the impugned transfer order dated 03.02.2012 passed by respondent No.3-Inspector General of Police (Admin), Raipur,

the petitioner has been transferred from Police Head Quarter, Raipur to the Office of Deputy Inspector General, Raigarh.

(3) Now on 28.01.2016, the petitioner preferred this writ petition challenging the transfer order dated 03.02.2012 and in the meantime the petitioner has been retired on 31.01.2016. In para-7 of the petition, the petitioner has stated that there is no inordinate delay in filing the petition. Delay of four years has not been explained 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 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

(5) In view of the above, this Court is not inclined to interfere with the impugned transfer order on merits as well as delay in filing the petition. The writ petition being devoid of merit is liable to be and is hereby dismissed subject to payment of cost of Rs.2000/-.

Sd/-
(Sanjay K. Agrawal)
Judge

L/-