

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP (S) No.364 of 2016**

Navindra Kumar Lala S/o. Late Ravindra Mohan Lala, aged 50 years, working as Tracer, at O/o Collector Land Record, Rajnandgaon, Distt.Rajnandgaon (CG)

---Petitioner**Versus**

1. State of Chhattisgarh, through its Secretary, Revenue Department, Mahanadi Bhawan, New Raipur, P.S.-Rakhi, Raipur, District Raipur (CG)
2. Commissioner, Land Record, Block-2 Third Floor, Indravati Bhawan, New Raipur (CG)
3. Director, Office of Commissioner, Land Record, Block-2 Third Floor, Indravati Bhawan, New Raipur (CG)
4. Collector (Revenue), Rajnandgaon, District Rajnandgaon (CG)

---Respondents

For Petitioner	:	Mr. Vinod Deshmukh, Advocate.
For Respondents	:	Mr. Dhiraj K. Wankhede, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****12/02/2016**

1. Heard.
2. Learned counsel for the petitioner would submit that order of transfer passed by the State Government transferring the petitioner from Rajnandgaon to Jagdalpur is malicious and bad in law. He would submit that by way of the order impugned, he has been transferred.
3. Learned State counsel, on advance copy, would submit that the petitioner is posted in Rajnandgaon since 2004 and as an

administrative exigency after due approval from coordination he has been transferred.

4. It is trite law that transfer/posting is an incidence of service. This 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).

5. In view of above, the writ petition being without substance is liable to be and is accordingly dismissed. However, disposal of the writ petition will not bar to respondents authorities from considering the representation of the petitioner. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-

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