

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.817 of 2016**

Mungeshri Banjare, D/o Akbar Das Banjare, aged about 32 years, presently working as Assistant Grade-II, Tahsil Office Jashpur, resident of Vivekanand Colony, Jashpur, District Jashpur (CG).

---- **Petitioner**

Versus

1. State of Chhattisgarh, through the Secretary, General Administration Department, Mahanadi Bhawan, Mantralaya, New Raipur, Tahsil and District Raipur (CG).
2. The Commissioner, Surguja, Division, Ambikapur (CG).
3. Collector, Jashpur, District Jashpur (CG).
4. The Sub-Divisional Officer (R), Jashpur, District Jashpur (CG).
5. Vijay Kumar Kujur, Sub-Divisional Officer, Jashpur, District Jashpur (CG).
6. Prem Patel, Deputy Collector, presently working as Tahsildar, Jashpur, District Jashpur (CG).
7. Ashok Dahire, posted as Assistant Grade-II, Office of Sub-Divisional Officer (Revenue), Jashpur, District Jashpur (CG).
8. Yashvant Choudhary, posted as Assistant Grade-II, Office of Sub-Divisional Officer (Revenue), Jashpur, District Jashpur (CG).
9. T.P. Tirki, posted as Assistant Grade-II, Office of Sub-Divisional Officer (Revenue), Jashpur, District Jashpur (CG).
10. Degree Lal Gupta, posted as Assistant Grade-II, District Office, Jashpur, District Jashpur (CG).
11. Deepnarayan Pal, posted as Assistant Grade-II, District Office, Jashpur, District Jashpur (CG).
12. Sanjay Kumar Sinha, posted as Assistant Grade-II, office of Sub-Divisional Officer (Revenue), Jashpur, District Jashpur

(CG).

13. Mohd. Rafiq Khan, posted as Assistant Grade-II, District Office, Jashpur, District Jashpur (CG).
14. Smt. Rajni Bek, posted as Assistant Grade-II, District Office, Jashpur, District Jashpur (CG).

---- Respondent

For Petitioner : Shri Devershi Thakur, Advocate.

For Respondent : Shri Dhiraj Wankhede, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

16/03/2016

(1) Heard.

(2) By the impugned transfer order dated 20.07.2015 passed by respondent No.3-Collector, Jashpur, the petitioner has been transferred from Tahsil Office, Jashpur to Tahsil Office, Pathalgaon on administrative ground.

(3) The petitioner had challenged her transfer order before this Court in W.P.(S) No.2954/2015, in which this Court by order dated 13.8.2015 expressed hope that the Divisional Commissioner shall take decision on the representation of the petitioner.

(4) The Divisional Commissioner, Sarguja, Ambikapur by order dated 05.10.2015 rejected the representation and no reason has been assigned in the order for rejection of the representation.

(5) This Court by order dated 08.01.2016 passed in WP(S) No.4318/2015 set-aside the order passed by the Commissioner, Surguja Division and directed to pass speaking and reasoned order.

(6) The Commissioner, Surguja Division vide its order dated 16.2.2016 has rejected the representation of the petitioner after assigning reason and applying its own mind.

(7) 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.2SCC 659
 3 (1995) 3 SCC 270
 4 (2007) 8 SCC 150
 5 (2007) 8 SCC 212
 6 (2009) 8 SCC 337

(8) After hearing learned counsel for the parties and after going the order rejecting representation, 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/-