

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No.1076 of 2016

Dhaneshwar Mandal, S/o Late Shri Biro Mandal, Aged about 44 years, Working on the post of Mining Sirdar, NIS No.-22704167, at Vindhya Colliery, Johila Area, SECL, Naurojabad, Civil and Revenue District – Umaria (M.P.)

---- Petitioner

Versus

1. Coal India Ltd., through its Chairman, Headquarter at 10- Netaji Subhash Chandra Bose Road, Kolkata (W.B.) 700001
2. Director (Personnel), Coal India Ltd., Headquarter at 10-Netaji Subhash Chandra Bose Road, Kolkata (W.B.) 700001
3. S.E.C.L., through its Chairman cum Managing Director, Headquarter Seepat Road, Bilaspur (C.G.)
4. Director (Personnel), S.E.C.L., Headquarter Seepat Road, Bilaspur (C.G.)
5. General Manager (Man Power), S.E.C.L., Headquarter Seepat Road, Bilaspur (C.G.)
6. General Manager, S.E.C.L., Johila Area, Naurojabad, Dist.- Umaria (M.P.)
7. Sub Area Manager, S.E.C.L, Vindhya Sub Area, Johila Area, Dist. - Umaria (M.P.)

---- Respondents

For Petitioner:	Mr. J.P. Shukla, Advocate.
For Respondents :	Mr. K.K. Shrivastava, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

12/04/2016

(1) This Court by order dated 11.01.2016 directed the Respondents authorities to consider and decide the representation of the petitioner. The Respondents/ Coal India Ltd. by order dated 8.3.2016 has held that petitioner's services cannot be transferred as there is shortage of

manpower in South Eastern Coalfields Limited and Coal India Limited too.

(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 S.E.C.L. 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).

(4) Fact remains that grievance of the petitioner was considered by Coal India Limited finding that keeping in view the public interest, administrative exigency and shortage of manpower in the SECL and CCL too, the petitioner cannot be transferred mutually, which does not call for any interference by this Court under Article 226 of the Constitution of India.

(5) In view of above, writ petition fails and is hereby dismissed. No order as to costs.

Sd/-
(Sanjay K. Agrawal)
Judge

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

