

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.1113 of 2016**

Duj Ram Yadav @ D.R. Yadav, S/o late Shri N.R. Yadav, aged about 54 years, Post Ophthalmic Assistant, R/o Village Dhorla, Post Pandariya, Dalha, Tahsil Baloda, District Janjgir-Champa (CG).

---- Petitioner**Versus**

1. State of Chhattisgarh, through the Secretary, Department of Health & Family Welfare Ministry, Mahanadi Bhavan, New Raipur, District Raipur (CG).
2. The Director, Department of Health & Family Welfare, Indravati Bhavan, Third Floor, Raipur, District Raipur (CG).
3. The Commissioner, Bilaspur Division, Bilaspur (CG).
4. The Collector, District Bilaspur, Bilaspur (CG).
5. The Chief Medical & Health Officer, Bilaspur, District Bilaspur (CG).

--- Respondents

For Petitioner : Shri Alok Kumar Dewangan, Advocate
 For Respondents/State: Shri Arun Sao, Dy.A.G.

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

13/04/2016**(1)** Heard.

(2) By the impugned order dated 23.10.2015 (Annexure P/1B) passed by respondent No.5-Chief Medical and Health Officer, Bilaspur, the petitioner has been transferred from Primary Health Center, Seepat (Masturi) to Primary Health Center Semardarri (Marwahi).

(3) The petitioner had challenged his transfer order before this Court in W.P. (S) No.522/2016, in which, this Court by order dated 18.02.2016 directed the Collector, Bilaspur to decide the representation of the petitioner. The said representation was rejected by respondent No.4-Collector, Bilaspur, vide its order dated 28.03.2016 after due consideration. Against which, this petition has been filed 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 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).

(5) After hearing learned counsel for the parties and after going

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

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/-