

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2205 of 2016

S. L. Dansena S/o Tilakram Dansena, Aged About 60 Years Presently Posted And Working As Senior Assistant, Paddy/ Fertilizer Store Center, Katghora, Dist. Korba (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Cooperative Societies Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur (Chhattisgarh)
2. Managing Director, Chhattisgarh State Cooperative Marketing Federation Limited, 880 Civil Lines, Head Office, Raipur (Chhattisgarh)
3. General Manager, Chhattisgarh State Cooperative Marketing Federation Limited, 880 Civil Lines, Head Office, Raipur (Chhattisgarh)
4. Secretary, Chhattisgarh State Cooperative Marketing Federation Limited, 880 Civil Lines, Head Office, Raipur (Chhattisgarh)
5. Lal Singh Dewangan, Posted As Area Assistant, District Office, Ambikapur, Dist. Surguja (Chhattisgarh)

---- Respondents

Shri V.R.Tiwari, counsel for the petitioner/s.

Shri Akash Pandey, counsel for respondents 2 to 4 on advance copy.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

17/06/2016

The petitioner has filed this petition aggrieved by his transfer vide order dated 27/02/2016 and rejection of his representation vide order dated 03/06/2016.

2. Learned counsel for the petitioner submits that the petitioner is a victim of frequent transfer. He was posted at Katghora but within a period of nine months, he has been shifted from Katghora to Balrampur. The other submission is that the petitioner has suffered accident in the past in

which, he sustained injury for which he requires medical treatment but in Balrampur, proper medical facilities are not available. It is also submitted that the transfer has been made in order to accommodate respondent No.5. Lastly, it is submitted that transfer of the petitioner is made with malafide intention. The petitioner had moved application for grant of annual increments and other consequential benefits which triggered the authorities to transfer the petitioner to other place.

3. A perusal of the order passed earlier shows that the transfer was challenged by the petitioner by filing a writ petition before this Court that he has been subjected to frequent transfer on which, this Court disposed off the petition with a direction to the authorities to decide his representation. Thereafter, representation of the petitioner has been rejected vide order dated 03/06/2016 wherein, it has been stated that on administrative exigency, the petitioner has been transferred vice respondent No.5.

4. Transfer is an incident of service. Transfer neither affects any of the rights of the employee nor it visits any penalty. An order of transfer can be challenged on limited grounds viz. absence of jurisdiction, malafide or violation of such a nature which results in grave hardship warranting consideration of his representation by the authorities. The Writ Court is not expected to substitute itself in place of the competent authority and to decide whether the administrative exigency and public interest is sufficient to warrant transfer.

5. In the present case, in the first round of litigation, the petitioner came with a grievance that he has been frequently transferred. In this case, number of grounds have been pressed into service. The allegations of malafide are without any concrete pleadings and it has not been stated which authority has personal malice.

6. As far as frequent transfer is concerned, true it is that within nine months, the petitioner has been transferred, it cannot be said that in no circumstances, an employee can be transferred within nine months. It is not a case that this has been repeated so many times that it has become a hardship to the petitioner.

The representation of the petitioner has been considered and it clearly states that it is the administrative exigency which has resulted in

transfer of the petitioner. Therefore, no relief can be granted. The petition is accordingly dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge