

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3469 of 2016

1. Motiram Tekam S/o Vishnuram Tekam, Aged About 35 Years At Present Working As Panchayat Secretary, Village Panchayat, Sarekha (Bodla), Tahsil Bodla, District Kabirdham, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through: The Secretary, Department Of Panchayat And Social Welfare, Mahanadi Bhawan, Naya Raipur, District Raipur, (Chhattisgarh)
2. Chief Executive Officer, Zila Panchayat, Kabirdham, District Kabirdham, (Chhattisgarh)
3. Kedar Singh, At Present Working As Secretary, Village Panchayat, Bamhani, Tahsil Kawardha, District Kabirdham, (Chhattisgarh)
4. Village Panchayat, Bamhani, Through: Sarpanch, Village Panchayat, Bamhani, Tahsil Kawardha, District Kabirdham, (Chhattisgarh)
5. Village Panchayat, Sarekha, Through: Sarpanch, Village Panchayat, Sarekha, Tahsil Bodla, District Kabirdham, (Chhattisgarh)

---- Respondents

For Petitioner : Shri P.P. Sahu, Advocate
For Respondent-State : Shri Gary Mukhopadhyay, Dy. G.A., on advance copy

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

08/08/2016

Heard on admission.

1. Learned counsel for the petitioner challenges transfer order mainly on the ground of frequency and that earlier the petitioner was transferred on mutual basis but by impugned order, earlier arrangement has been

undone and he has been sent back to the same place of posting. According to the petitioner, the petitioner is apprehending that he may be victimized by the *Panchas* and *Sarpanchas* of Gram Panchayat, Bamhani.

2. The transfer policy says that the person may ordinarily be allowed to continue at one place of one year. It is found that in the present case, earlier transfer order was issued on 20.07.2015 and now, the impugned order has been passed on 22.07.2016. Though, learned counsel for the petitioner argues that if it is to be reckoned from the date of joining, it may be less than one year, this may not be a ground for invoking writ jurisdiction of this Court unless the transfer order is illegal, malafide and/or results in severe hardship so as to warrant indulgence by the writ Court in exercise of extraordinary jurisdiction in a given case may be called upon to provide relief.

3. One of the ground taken in this petition is that earlier the petitioner was transferred from Bamhani in view of apprehension raised by the petitioner that he may be victimized by the *Panchas* and *Sarpanchas* of Gram Panchayat Bamhani. He has again been sent back to the same place and he is apprehending some kind of victimization. This particular ground is a matter essentially in the realm of administrative consideration and not judicial scrutiny. Whether in a given case, posting of an officer would be in administrative exigency or not, is a matter of consideration of the administrative authority.

4. However, an employee is entitled to be heard, if he represents against any order of transfer on ground available to him under the policy of transfer or any other ground of hardship.

5. It is found that the petitioner has filed this petition without filing any representation. Therefore, in these circumstances, in view of the above consideration, all that can be ordered is that in case, the petitioner prefers representation, the Transferring Authority/respondent No.2 shall

specifically examine the grievance of the petitioner, particularly the grievance relating to apprehension of victimization and decide the matter on its own exigency, as early as possible, preferably within a period of three months from the date of receipt of copy of this order.

6. The petition is accordingly disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Rekha