

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.4054 of 2016**

B. K. Shukla S/o Shri N.K. Shukla, Aged About 49 Years R/o Behind Vivekanand Ashram, Near Shriniwas Bhawan, Raipur, Chhattisgarh

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Medical Education Mahanadi Bhawan Post Office Mantralaya, P.S. Rakhi, Naya Raipur District Raipur Chhattisgarh Pin 492002
2. The Under Secretary, Department Of Medical Education, Mahanadi Bhawan, Post Office Mantralaya, P.S. Rakhi, Naya Raipur District Raipur Chhattisgarh Pin 492002
3. The Joint Director and Superintendent, Dr. Bhimrao, Ambedkar Memorial Hospital Raipur Chhattisgarh

---- **Respondents**

For Petitioner	:	Mr. Vipin Tiwari, Advocate
For Respondent-State	:	Mr. Shangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Manindra Mohan Shrivastava, J.**Order on Board****24/08/2016**

Heard.

1. The transfer order is under challenge on the ground that the petitioner being an employee of a particular college transferred to another college, therefore, his seniority would be affected.
2. The initial transfer order was passed on 26.7.2016 showing to be transferred on his own request. The petitioner informed to the authority that he did not make any request for transfer. Therefore, a modified order has been passed on 28.7.2016, in which, it is stated that the petitioner has been

transferred on administrative ground. It is also submitted that the Joint Director passed an order on 1.8.2016 relieving him from the present place of posting showing it to be on his own expenses whereas, the transfer order was modified showing it to be on administrative ground.

3. The petitioner could not place before the Court any circular or any order with regard to terms and conditions of appointment or any rule showing that he is not liable to be transferred to any other part of the State because his seniority would be affected.

4. As far as seniority part is concerned, the petitioner should have any apprehension of loss of seniority because he is not transferred on his own request but transferred on the administrative ground. Therefore, the seniority of the petitioner shall always remain protected. As the petitioner has remained posted at the present place for a long time, therefore, on administrative exigency, he is transferred to another place.

5. The order dated 1.8.2016 has been passed by the Joint Director in ignorance of order dated 28.7.2016, in which, transfer of the petitioner has been treated on administrative exigency. Therefore, for that purpose, the petitioner is entitled to TA & DA in accordance with law.

6. Subject to above observation, no other ground is made out by the petitioner to interfere with the transfer. The petition is disposed off accordingly.

Sd/-

(Manindra Mohan Shrivastava)
Judge