

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4630 of 2016

Devendra Kumar Sahu S/o Late Pusau Ram Sahu, Aged About 49
Years Posted As Patwari At P. H. No. 42, Utai, R. I. Circle Anda,
Tahsil And District Durg, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through: The Secretary, Revenue
Department, Mantralaya, Mahanadi Bhawan, New Raipur, District
Raipur, (Chhattisgarh)
2. Deputy Secretary, State Of Chhattisgarh, Revenue Department,
Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur,
(Chhattisgarh)
3. Collector, Durg, (Chhattisgarh)
4. Pradeep Kumar Singh, Posted At Patwari At P. H. No. 26, Tahsil
Patan & District Durg, (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Praveen K. Dhurandhar, Advocate.
For State	:	Mr. Gary Mukhopadhyay, on advance copy

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

15/09/2016

Heard.

1. The petitioner challenges modified order dated 30.07.2016 by submitting that the respondents have modified the order of transfer and now the petitioner has been shown to be transferred on administrative exigency. He submits that the respondents, before passing the modified order, have not made enquiry as directed by this Court earlier on 28.07.2016 in WPS No.3231 of 2016.
2. On the last date of hearing, time was granted to learned counsel for the petitioner to seek instructions in the matter, particularly with regard

to the period for which, the petitioner has remained posted at the present place. Learned counsel for the petitioner submits that the petitioner has remained posted at the present place since last 2009. He further submits that the main operative reason for transfer of the petitioner is accommodation of respondent No.4.

3. The accommodation, as such, is not impermissible. The transfer policy also talks about transfer of the Government servants on their own request. It is not a case where in order to extend undue favour to another employee to give a posting of his/her choice, the petitioner is being transferred within a short period even without allowing him to complete his normal tenure of posting at the present place. Once the petitioner is found to have completed his normal tenure of posting at the present place, no grievance can be raised by the petitioner against the posting of respondent No.4 in his place on the allegation of malafide exercise of power.

4. Considering the aforesaid admitted position, it is found that the petitioner's posting at the present place for the last about 7 years, by itself, without anything more, constitutes an administrative exigency to transfer him. Therefore, I am not inclined to interfere with the modified order of transfer and the petition is dismissed.

Sd/-

(Manindra Mohan Shrivastava)
J U D G E