

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6295 of 2016

R.K.Verma S/o Late Shri J.L. Verma Aged About 54 Years Posted As Training Superintendent, At I.T.I. Dhamdha District Durg, R/o Shanti Nagar, Bhilai-Iii District Durg, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Technical Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh
2. Deputy Secretary, Skill Development, Technical Education And Employment Wing, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh).
3. Commissioner Cum Secretary, Directorate Of Employment And Training, Indravati Bhawan, New Raipur, District Raipur (Chhattisgarh).
4. T.L. Dongre, Principal Grade-II, I.T.I. Ramanujganj District Balrampur, Chhattisgarh

---- Respondents

Shri Mateen Siddiqui, counsel for the petitioner/s.
Shri R.K.Gupta, Dy.A.G. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

21/12/2016

This petition has been filed challenging impugned order of transfer on three grounds -

- a. That the petitioner could not be transferred as the successor of one Shri T.L.Dongre, who was substantively holding post of Principal because the petitioner is only a Training Superintendent and he is not appointed and working as Principal.
- b. That the petitioner has been transferred only to adjust one Shri P. Idpache who earlier was transferred to Ramanujganj vide order dated 25/07/2016 in place of Shri T.L.Dongre but later on, his order was modified on 28/10/2016 by shifting him to District – Koriya from Ramanujganj.
- c. Third ground is the personal ground that the petitioner's mother is aged 80

years, she is ill and if the petitioner is required to work at Ramanujganj, petitioner's mother would suffer lot of hardship.

2. On the other hand, learned State counsel submits that the petitioner is one of the senior Superintendent and the Principal at Ramanujganj was required to be transferred. Therefore, the petitioner has been posted there. He submits that there is already a post of Superintendent against which, the petitioner can be allowed to join and as long as Principal is not posted, the petitioner is performing duties only in administrative exigency.

3. It appears that initially one P. Idpache was transferred to Ramanujganj vide order dated 25/07/2016 which transfer order was later on modified and P. Idpache was sent to another training centre at Katghori, District – Koriya and then an occasion arose to shift the petitioner from Dhamdha to Ramanujganj.

4. It is found that Ramanujganj is a remote district and if the Government has decided to shift the petitioner from Dhamdha, District – Durg to Ramanujganj, District – Balrampur in the training centre, it has been made on administrative exigency. It is not a case where P. Idpache was allowed to continue at Durg and his order was modified, resulting in order of transfer of the petitioner. The petitioner was working at the present place since 2012 and it is not a case that the petitioner has been subjected to transfer without completing normal tenure as provided under policy of transfer dated 11/06/2016.

5. The personal ground that petitioner's mother is ailing, cannot be made a basis to interfere with the transfer order because that would be a matter for consideration by the competent authority and not by the Court. Placing on record statement of the State counsel on instructions, that the petitioner shall be allowed to join against available post of Superintendent at Ramanujganj, this petition is dismissed with liberty to the petitioner to prefer representation on personal grounds.

Sd/-
(Manindra Mohan Shrivastava)
Judge