

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****W.P. (S) No. 4107 of 2015**

K.S. Thakur, S/o Late J.S. Thakur, Aged About 53 years, R/o C-95, Vasant Vihar, South Eastern Coalfields Limited (SECL), Seepat Road, Bilaspur, Police Station Sarkanda, Post Office S.E.C.L., Bilaspur Occupation : Service, Chief Manager (E & M), Presently Posted in Safety And Rescue (S & R) Department of South Eastern Coalfields Limited Head Quarter, Seepat Road, Bilaspur, Distt. Bilaspur (C.G.)

---- Petitioner**Versus**

1. South Eastern Coalfields Limited Through the Chairman-Cum-Managing Director, S E C L, Seepat Road, Bilaspur (CG)
2. Director, Technical Operations, South Eastern Coalfields Limited, Seepat Road, Bilaspur (CG)
3. General Manager (E&M), South Eastern Coalfields Limited, Seepat Road, Bilaspur (C.G.)
4. Deputy General Manager (Personnel & Executive Establishment), South Eastern Coalfields Limited, Seepat Road, Bilaspur (C.G.)

---- Respondents

For Petitioner : Shri B.D. Guru, Advocate.

For Respondents : Smt. Astha Shukla, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

08/01/2016

(1) The Petitioner is working as Chief Manager (E&M) in E-7 grade. The petitioner, before being transferred to Mahanadi Coalfields Limited, was posted at SECL Headquarter, Bilaspur. By order dated 28.07.2015, he was transferred from Mahanadi Coalfields Limited to South Eastern Coalfields Limited by Coal India Limited, which he joined on 10.08.2015 and he was posted as Chief Manager (E&M), Safety & Rescue on 19.09.2015 at Headquarter, Bilaspur and, thereafter, he was posted to Bhatgaon Area of SECL by order dated 24.09.2015.

(2) Against the above-stated order, petitioner preferred W.P. No.3623/2015 before this Court. This Court, vide order dated 14.10.2015, directed the petitioner to submit his representation and further directed the competent authority to consider and take decision on the petitioner's representation within reasonable time.

(3) The SECL, by its order dated 03.11.2015 (Annexure P-1) dismissed the representation holding that as there is immediate requirement of experienced and competent executive of E-7 Grade in E & M Department at Bhatgaon area of SECL, therefore, his representation can not be accepted. Against the order

rejecting the representation and the order transferring him at Bhatgaon area of SECL, instant writ petition has been filed challenging the same.

(4) Mr. B.D. Guru, learned counsel appearing for the petitioner would submit that order passed by respondent No.1/SECL rejecting petitioner's representation holding that immediate requirement of services of the petitioner in SECL was not assessed properly and the Senior Level Officer of E-7 grade is required at Bhatgaon area is not borne out from the record. He further submits that while transferring the petitioner from Bilaspur to Bhatgaon area of SECL, the competent authority has not taken care of the order of this Court passed in W.P. No.3623/2015 and, therefore, order rejecting representation of the petitioner deserves to be set aside.

(5) I have heard learned counsel appearing for the parties and perused the record with utmost circumspection.

(6) It is a trite law that transfer/posting is an incidence of service. The Court should not interfere with the transfer/posting order unless there is malice,

infringement of statutory rules and regulations. The employees may be posted anywhere at the instance of the employer in public interest and administrative exigency. Further, it is for the Government to post another person if any vacancy arises on account of transfer/posting of an employee. (See *E.P. Royappa v. State of Tamil Nadu and another*¹, *Shilpi Bose (Mrs.) and others v. State of Bihar & another*², *State of M.P. and another v. S.S. Kourv and others*³, *Mohd. Masood Ahmad v. State of U.P. & others*⁴, *Chief Commercial Manager, South Central Railway, Secunderabad & others v. G. Ratnam & others*⁵ and *Airports Authority of India v. Rajeev Ratan Pandey & others*⁶).

(6) Fact remains that grievance of the petitioner was considered by the South Eastern Coalfields Limited and finding that E-7 Grade Officer having experience and the appropriate competence has to be posted at Bhatgaon area of SECL, his representation has been rejected and the Bhatgaon Colliery is one of colliery of the SECL and it is rather posting within the SECL for the time being.

1 1974 (4) SCC 3

2 (1991) Supp 2 SCC 659

3 (1995) 3 SCC 270

4 (2007) 8 SCC 150

5 (2007) 8 SCC 212

6 (2009) 8 SCC 337

(7) In view of above, writ petition fails and is hereby dismissed. No order as to costs.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-