

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.704 of 2016**

B.D. Ahuja, S/o late Bhonu Ahuja, aged about 58 years, R/o Village Kansabel, Tahsil, Thana & Post Jashpur, District Jashpur(CG).
---- Petitioner

Versus

1. State of Chhattisgarh, through Secretary, Department of Scheduled Tribe & Scheduled Caste, Development, Ministry Mahanadi Bhavan, New Raipur (CG).
2. Commissioner, Sarguja, Division Sarguja, Ambikapur (CG).
3. Collector, District Jashpur (CG).
4. Chief Executive Officer, Janpad Panchayat, Kansabel District Jashpur (CG).
--- Respondents

For Petitioner : Shri Somkant Verma, Advocate
 For Respondents/State : Shri Arun Sao, Dy.A.G.

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

11/03/2016**(1)** Heard.

(2) The petitioner was transferred by order dated 20.07.2015 from Office of Chief Executive, Kansabel to the Office of Chief Executive Manora, District Jashpur.

(3) The petitioner filed W.P.(S) No.2858/2015 before this Court which was disposed off with liberty to file a representation before the concerned authority on the ground mentioned in the petition by order dated 07.08.2015. The said representation has been rejected by respondent No.2-Commissioner, Sarguja vide

impugned order dated 16.02.2016 after due consideration. Against which, this petition has been filed by the petitioner.

(4) 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 employee 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 Naidu 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).

(5) In view of the above, this Court is not inclined to interfere with the impugned transfer order as well as the order rejecting representation. The writ petition being devoid of any merit deserves to be and is hereby dismissed.

Sd/-
(Sanjay K. Agrawal)
Judge

L/-

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