

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Appeal No.319 of 2016

S.L. Dansena, S/o Tilakram Dansena, aged about 60 years, presently posted and working as Senior Assistant, Paddy/ Fertilizer Store Center, Katghora, District Korba, Chhattisgarh.
---- Appellant

Versus

1. State of Chhattisgarh, through the Secretary, Department of Cooperative Societies, Mahanadi, Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur, Chhattisgarh.
2. Managing Director, Chhattisgarh State Cooperative Marketing Federation Limited, 880 Civil Lines, Head Office, Raipur, Chhattisgarh.
3. General Manager, Chhattisgarh State Cooperative Marketing Federation Limited, 880 Civil Lines, Head Office, Raipur, Chhattisgarh.
4. Secretary, Chhattisgarh State Cooperative Marketing Federation Limited, 880 Civil Lines, Head Office, Raipur, Chhattisgarh.
5. Lal Singh Dewangan, posted as Area Assistant, District Office, Ambikapur, Distt. Surguja, Chhattisgarh.

---- Respondents

For Appellant:	Mr. V.R. Tiwari, Advocate.
For Respondent No.1:	Mr. Y.S. Thakur, Dy. Adv. General.
For Respondents No.2 to 4:	Mr. Prafull Bharat, Advocate.

Hon'ble the Chief Justice and
Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

Per Deepak Gupta, Chief Justice

18/07/2016

1. This writ appeal is directed against the order dated 17-6-2016 whereby the learned Single Judge has dismissed the writ

petition. This the second round of litigation. The petitioner / appellant herein has challenged his transfer from Katghora to Balrampur. Earlier, his writ petition was disposed of with a direction that the same should be treated as representation and the same may be decided. His representation has been decided against the petitioner. Learned Single Judge held that transfer is an incident of service and the petitioner has failed to show that he has been frequently transferred.

2. We had asked the petitioner to produce his service record with regard to his transfers and we find that except for the first few years at the beginning of his service when the petitioner was transferred between Raigarh, Janjgir and Raipur, he stayed at Raipur for almost 20 years and he has been posted either in District Janjgir-Champa or in District Raigarh except for three years which he served in Jashpur. It is true that he was posted in Katghora only on 4-10-2015 and this time he has been transferred after few months, but it cannot be said that throughout his career, the petitioner has been transferred time and again at short intervals. In fact, from the record, we find that the petitioner has stayed for most of his service career in Raipur, Raigarh or Janjgir. Therefore, we find no merit in the appeal. The writ appeal is dismissed accordingly.

Sd/-
(Deepak Gupta)
Chief Justice

Sd/-
(Sanjay K. Agrawal)
Judge