

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2291 of 2016

Alok Kumar S/o Shatrudhan Mandal, Aged About 32 Years Divisional Accountants Officer, Grade- II, Hydrometeorology Division No. 4, Sihawa Bhawan, Raipur, R/o Ward No. 1, Near New Market, Nandini Nagar, Tahsil Dhamdha, District Durg, (Chhattisgarh)

---- Petitioner

Versus

1. Accountant General (A. & E) Chhattisgarh, Zero Point, Balodabazar Road, Raipur, (Chhattisgarh)
2. Senior Accountants Officer (W M Section, Zero Point, Balodabazar Road, Raipur, (Chhattisgarh)
3. Deputy Director, Hydrometeorology Division No. 4, Sihawa Bhawan, Near Civil Lines, Police Station Raipur, (Chhattisgarh)
4. Shri Suranjan Kumar Meena, Divisional Accountant Officer, Grade II, Water Resources Department (W R D), Bemetara, District Durg, (Chhattisgarh)

---- Respondents

Ms. Meena Shastri, counsel for the petitioner/s.
Mr. Bhupendra Singh, Asstt. S.G. for Union of India.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

23/06/2016

Heard.

The transfer order is assailed on three grounds :

- (a) That the petitioner could be transferred only to one of the four places in respect of which option has been given.
- (b) That one of the junior officer has been posted at a place in respect of which options was given by the petitioner in the matter of posting. Seniority of the petitioner was required to be respected and the petitioner ought to be posted at the place where respondent No.4 has been posted.

(c) That the petitioner being senior to respondent No.4 ought to be posted in a bigger district area than the present posting.

The petitioner has placed on record circular dated 09.05.2016 (Annexure P/3) which requires the officers to submit their options. However, it nowhere states that the transfer of a particular officer would be confined only to one of the places of option. Obviously, it is not right of an employee to claim posting at a place of his choice. Options are sought only to facilitate the Authority to affect transfers in administrative exigency and public interest keeping in view, options given by the employees. That does not mean that the transferring Authority is bound to post an officer at a particular place. This is also not practicable in all circumstances because if number of officers choose only one or a few selected place, with a claim that they should be posted to that place only, it may lead to administrative choose.

Further submission that the junior officer has been posted at a place for which options was given by the petitioner, has been made on an erroneous assumption that the petitioner has a right to be posted at a place of his choice on the basis of seniority. The transfers are made on administrative exigency and public interest. The third ground that the petitioner being senior should have been posted in a bigger district area is equally fallacious in law. The posting of the petitioner from one place to the other neither adversely affects his seniority nor pay or any right of consideration for promotion in future.

It is well known that the transfer is an incident of service. Where an employee should be posted is within the exclusive domain of the employer. The Courts of law would be loath to intervene in transfer matter and the limited scope available for consideration would be only in the case of an allegation of absence of jurisdiction and competence, malafides or a serious violation of a policy resulting in so grave hardship that the Court's interference under Article 226 of the Constitution of India is warranted. The petition has no merit and is therefore dismissed.

The dismissal of this petition shall not come in the way of respondent authority in considering representation, if any made by the petitioner.

Sd/-

(Manindra Mohan Shrivastava)
J U D G E