

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No.3464 of 2016**

Rajendra Narayan Pandey S/o Late Shri Mahaveer Prasad Pandey, Aged About 57 Years (R. N. Pandey), Range Officer At Birgudi Range Forest Division Dhamtari, P. S. Sihawa Tahsil Nagri District Dhamtari (Chhattisgarh).

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Principal Secretary Department Of Forest, Mantralaya Mahanadi Bhawan, Naya Raipur P. S. Rakhi District Raipur (Chhattisgarh).
2. The Principal Chief Conservator Of Forest, Government Of Chhattisgarh Raipur District Raipur (Chhattisgarh).
3. The Divisional Forest Officer, Dhamtari District Dhamtari (Chhattisgarh).

---- Respondents

For Petitioner : Shri J. N. Nande, Advocate
 For Respondent/State: Shri Sangharsh Pandey, Dy.GA

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****05/08/2016**

Heard.

2. The transfer order dated 30-07-2016 is under challenge on two counts. Firstly , on the ground that the petitioner has been subjected to frequent transfer. Secondly, it is in violation of the transfer policy as large number of officers have been transferred which exceeds 10% of the total number of officers.

As far as first ground is concerned, it is found that the petitioner was transferred vide order dated 04-03-2014 from Sitanadi Range to Birgudi Range, Forest Division, Dhamtari. Thereafter, another transfer order was passed on 14-07-2014, by which, the petitioner was transferred to Dugli Range. The petitioner challenged that order on the ground that this is a frequent transfer within a short period of four months. In the writ petition filed by the petitioner (W.P.(S)No.3326 of 2014, interim order was passed in favour of the petitioner and the petitioner was continued at Birgudi Range. The petition

was however dismissed vide order dated 07-01-2015. Thereafter, the petitioner preferred an appeal. The writ appeal was allowed vide order dated 16-01-2015 and the transfer order dated 14-07-2014 was quashed. The petitioner continued at Birgudi Range. Under an administrative arrangement, charge of the post which the petitioner was holding, was directed to be handed over to a trainee IFS Officer vide order dated 23-11-2015. Thereafter, another order was passed on 04-05-2016, by which, charge was again directed to be handed over to the petitioner. There is no material on record to show nor is it the case of the petitioner that between the period with effect from 23-11-2015 to 04-05-2016, the petitioner was transferred to any other place. Now, the petitioner has been transferred vide impugned order dated 30-07-2016.

3. It would thus be seen that during the period from 04-03-2014 to 30-07-2016, the petitioner was continued at Birgudi Range, Forest Division Dhamtari.

4. Therefore, in view of above, as the petitioner has continued at one place for more than two years and four months, this transfer order cannot be said to be frequent transfer order. Other orders and arrangements made during this period did not result in shifting of the petitioner but he actually continued to work at Birgudi Range. Therefore, this ground fails.

5. Today, this Court in the case of ***Budh Sai Bhagat vs. State of Chhattisgarh (W.P.(S)No.3422 of 2016*** held that violation of the transfer policy, without anything more, including ground of excess number of transfer is not available to challenge the transfer order in the Writ Court.

6. As none of the grounds raised in the petition relate to illegality, malafide or absence of jurisdiction much less any serious hardship warranting interference, no case is made out.

7. In the result, the petition is dismissed.

SD/-
(**Manindra Mohan Shrivastava**)
Judge