

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No. 4943 of 2015

Vasudevram Chouhan S/o. Shri S.R. Chouhan, aged about 51 years,
Presently working as Deputy Commissioner, Municipal Corporation,
Raipur District Raipur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through Secretary, Department of Urban Administration and Development Mahanadi Bhawan, Capital Complex, New Raipur, Police Station- Rakhi, District Raipur (C.G.)
2. The Municipal Corporation Raipur, Through the Commissioner, Municipal Corporation Raipur, District Raipur (C.G.)
3. Ramesh Jaiswal, Presently working as Zonal Commissioner, Zone No. 1, Municipal Corporation, Raipur, District- Raipur (C.G.)

---- Respondents

For Applicant	:-	Mr. Sudeep Agrawal, Advocate.
For Respondent No.1/State:-		Mr. Prasoon Bhaduri, Govt. Advocate
For Respondent No.2	:-	Mr. H.B. Agrawal Sr. Advocate with Mr. Prity Yadav, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03/02/2016

1. The instant petition is directed against the transfer made wherein challenge is made to the legality and validity of transfer work distribution order dated 11.12.2015 and it is alleged whereby the petitioner could not be given the charge of Deputy Commissioner by ignoring the fact that the

petitioner has been transferred on deputation, after obtaining his consent, for the post of Zone Commissioner.

2. Counsel for the petitioner submits that such posting of the petitioner on the post of Deputy Commissioner instead of Zone Commissioner is completely illegal and malafide and therefore, the petitioner could not be given the work of Deputy Commissioner. It is further contended that the transfer of petitioner could not be made by Municipal Corporation as the powers are vested with State-Government alone.

3. Counsel for the respondents submit that placing the petitioner on the post of Deputy Commissioner do not amount to lower down the cadre. He further submits that the post of Deputy Commissioner is more responsible post and further submits that such post of the petitioner is according to work distribution of Corporation and post of Deputy Commissioner is equal to Zone Commissioner which is specified by the State-Government. It is further contended that place of posting is also not changed and only the designation is changed and both the posts are of same cadre with similar emoluments.

4. Considering the submissions made by both the parties in the opinion of this Court no prejudice or loss would be caused to the petitioner as both the posts i.e. Zone Commissioner and the Deputy Commissioner are of the cadre. Along with the reply an order of the State-Government is also placed on record which purports that State-Government by its order dated 21.12.2015 has approved the order of the Corporation to appoint the petitioner as a Zone Commissioner. Considering the fact that the work distribution is the managerial function which is vested right of the employer and the employee can not be claimed to be posted in particular post and further the appointment of petitioner has been approved by State-Government. No merit remains in the case.

5. Accordingly, I am not inclined to allow the instant writ petition as no legal right exists in favour of petitioner to place him in particular post and thereby writ can be issued, as a result the writ petition is dismissed.

Sd/-
(Goutam Bhaduri)
JUDGE

Santosh