

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2454 of 2015**

Nandu Ram Shori S/o Late Shri D.R. Shori aged about 60 years Senior Internal Audit and Taxation Officer Janpad Panchayat Kanker Post and Thana Kanker District Kanker (CG)

---Petitioner**Versus**

1. State of Chhattisgarh through the Secretary Panchayat and Rural Development Department Mahanadi Bhawan New Raipur (CG)
2. The Collector Kanker District Kanker (CG)
3. Chief Executive Officer Zila Panchayat Kanker District Kanker (CG)
4. Chief Executive Officer Janpad Panchayat Kanker District Kanker (CG)

---Respondents

For Petitioner : Mr. Somkant Verma, Advocate
 For Respondents No.1 & 2 : Ms. Astha Shukla, P.L.
 For Respondents No.3 & 4 : Ms. Pushpa Dwivedi, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****20/01/2016**

1. Learned counsel for the petitioner would submit that petitioner is working as Senior Internal Audit and Taxation Officer at Janpad Panchayat, Kanker and he has transferred to Janpad Panchayat Pathariya by impugned

order within 11 months of his joining at present place and as such, it is case of frequent transfer therefore impugned order be set aside.

2. Learned counsel for the State would submit that no post of Senior Internal Audit and Taxation Officer is available at Janpad Panchayat, Kanker, therefore on account of administrative exigency, the petitioner has been transferred from Janpad Panchayat, Kanker, District Kanker to Janpad Panchayat, Pathariya District Mungeli.

3. 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 Nadu and another*¹, *Shilpi Bose (Mrs.) and others v. State of Bihar & another*², *State of*

¹ 1974 (4) SCC 3

² (1991) Supp. 2 SCC 659

*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).

4. In view of the above and petitioner has been transferred on account of non availability of post at Kanker, this Court is not inclined to interfere with the impugned transfer order. The writ petition being devoid of any merit deserves to be and is hereby dismissed.

Sd/-
(Sanjay K. Agrawal)
JUDGE

Tiwari

3 (1995) 3 SCC 270

4 (2007) 8 SCC 150

5 (2007) 8 SCC 212

6 (2009) 8 SCC 337