

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 169 of 2016

P. L. Tarak S/o Late Sarju Tarak, Aged About 61 Years Presently Posted As Sub Divisional Officer, Water Resources, Construction Sub Division, Baloda Bazar, Distt. Baloda Bazar- Bhatapara, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, Thana Mandir Hasod, Distt. Raipur, (Chhattisgarh)
2. Executive Engineer, Water Resources, Construction Sub Division, Baloda Bazar, Distt. Baloda Bazar- Bhatapara, (Chhattisgarh)
3. State Of Chhattisgarh, Through The Secretary, General Administration Department, Government Of Chhattisgarh, Mahanadi Bhawan, Mantralaya, Naya Raipur, Thana Mandir Hasod, Distt. Raipur, (Chhattisgarh)

---- Respondents

Shri Abhishek Sinha, counsel for the petitioner/s.
Shri Sangharsh Pandey, Dy.G.A. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

23/09/2016

Transfer order is under challenge on the ground of it being malafide, in violation of the transfer policy that transferring authority and otherwise without any administrative exigency.

2. Learned counsel for the petitioner submits that the petitioner has been transferred from the present place of posting within a short period of two years only in order to subject him to harassment. Further submission is that the place, wherefrom the petitioner has been transferred, there exists a valid post of Assistant Engineer and the place where, he is being shifted, there are already excess officers working. Therefore, while passing impugned order during the ban period, procedural requirement of coordination and seeking approval of the Chief Minister has not been taken.

3. On the other hand, learned State counsel submits that present is a local arrangement. The petitioner has been shifted from one office to another office. In view of the provisions contained in Clause 2.4.7 of the transfer policy, it being a local adjustment, no co-ordination procedure is necessary to be followed.

4. The allegations of malafide have been leveled even without impleading the concerned officer, against whom, allegations have been leveled. The impugned order has been passed by the State Government. Present is a case of local arrangement only and because of the exigency on administrative side, arrangement has been made. Provisions of coordination is not applicable in case of local arrangement under Clause 2.4.7 of the transfer policy dated 11/06/2016. Which officer should be posted where, is a matter to be decided by the competent authority and not by the Court. As no material is there to show malafide exercise of any officer and that by the impugned order, petitioner has been shifted to one office to another office only, no case is made out warranting interference by this Court.

5. The petition is accordingly dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge