

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4911 of 2016

Jai Lal Rajwade S/o Shri Pancham Rajwade, Aged About 38 Years Posted As Panchayat Secretary, Gram Panchayat Mani, Janpad Panchayat, Surajpur, District Surajpur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mantralaya New Raipur, Police Station Rakhi, District Raipur (Chhattisgarh)
2. The Chief Executive Officer, Zila Panchayat Surajpur District-Surajpur, Chhattisgarh.
3. The Chief Executive Officer, Janpad Panchayat, Surajpur, District Surajpur (Chhattisgarh)

---- Respondents

Shri D.N.Prajapati, counsel for the petitioner/s.
Shri Gary Mukhopadhyaya, Dy.G.A. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

20/09/2016

The transfer order is under challenge on following grounds -

- a). Firstly, the petitioner could not be transferred from one Janpad Panchayat to another Janpad Panchayat without obtaining consent of the petitioner.

Learned State counsel relies upon order passed by this Court on 14/05/2015 in WPS No.6613/2014 wherein, it has been categorically held that such transfer do not violate the law.

In that view of the matter, the case of the petitioner is covered by the aforesaid case.

- b) The other ground of challenge raised by the petitioner in this petition is that there are no complaints against the petitioner. Therefore, he could not be

transferred.

The argument is misconceived in law. An employee may be transferred for more than one reason on administrative exigencies and there is no protection against transfer only on the ground that there are no complaints.

c) The last ground is that in place of the petitioner, no one is posted.

This again is a matter for consideration on administrative side and it cannot be said that unless some one is posted in place of the petitioner, petitioner cannot be transferred to any other place.

Transfers are made on administrative exigencies. It is well settled that unless the transfer order suffers from illegality or malafide, it is not liable to be interfered with by this Court particularly when no extra ordinary ground of any serious hardship is put forth by the petitioner to challenge the transfer order.

Therefore, no relief can be granted to the petitioner. The petition is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge