

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 5976 of 2016

1. Sachin Kumar Dewangan, S/o. Late Shri Sita Ram Dewangan, aged about 56 years, Occupation- Service, Presently posted as Assistant Grade-II, Commercial Tax Office, Circle – II, Bilaspur (C.G.)
R/o. Vinoba Nagar, Bilaspur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary Department of Commercial Tax, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District – Raipur (C.G.)
2. Secretary, Department of General Administration Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District – Raipur (C.G.)
3. Commissioner, Commercial Tax, Chhattisgarh, Raipur (C.G.)
4. Commercial Tax Officer, Circle-II, Bilaspur (C.G.)
5. Commercial Tax Officer, Korea Circle, Korea (C.G.)

---- Respondents

For Petitioner	: Mr. Malay Shrivastava, Advocate
For Respondent/State	: Mr. Sangharsh Pandey, Dy.Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/11/2016

Heard.

1. Challenge in this petition is to the transfer order dated 12.07.2016, whereby the petitioner has been transferred from Bilaspur Commercial Tax Office to Office of the Commercial Tax, Korea on

administrative ground.

2. Learned counsel for the petitioner would submit that the transfer of the petitioner from Bilaspur to Korea is in violation of transfer policy as the transfer policy contemplates that the person will not be transferred to a place where there is in excess of staff and in Korea circle there is already one person in excess, whereas in Bilaspur circle one post is still vacant. He would further submit that the petitioner had already rendered services in the scheduled area for three years, therefore, he can not be transferred in the scheduled area Korea again as such the transfer order may be quashed/stayed.
3. State counsel opposes the same.
4. The documents annexed along with writ petition would show that representation of the petitioner against transfer was dismissed by an order dated 22.09.2016 by a Committee formed by the State Government. It was found that the ground on which the representation was made that the petitioner is a patient of Thyroid, B.P. and Sugar, since treatment facility is available at Korea, as such the grounds were not considered.
5. On query being made, it is submitted that the petitioner is working at Bilaspur since 2002. Now it is 2016 at its end. It means, the petitioner is working at the same place for last 14 years.
6. Perused the transfer order and the order of rejection of representation as also the transfer policy. It is the prerogative of the

State to place a person where it finds proper. The rejection of the representation would show that transfer was made entirely on the administrative exigencies. It is for the State Government to decide that whether the person is to be posted and it is not for the employee to decide the same. Admittedly the petitioner is at Bilaspur since 2002 prima-facie the grounds which is urged in the petition I do not find any substance to interfere in such transfer order.

7. Accordingly, the petition is dismissed at admission stage itself.

Sd/-
(Goutam Bhaduri)
Judge