

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 528 of 2016**

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 Chhattisgarh R/o Vinoba Nagar, Bilaspur Chhattisgarh

---- 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 Chhattisgarh
2. Secretary, Department Of General Administration, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur Chhattisgarh
3. Commissioner, Commercial Tax Chhattisgarh, Raipur Chhattisgarh
4. Commercial Tax Officer, Circle II, Bilaspur Chhattisgarh
5. Commercial Tax Officer, Koriea Circle, Korea Chhattisgarh

---- Respondents

For Appellant	: Shri Malay Shrivastava, Advocate.
For Respondent/State	: Shri Y.S. Thakur, Additional Advocate General.

Hon'ble Shri Deepak Gupta, Chief Justice
Hon'ble Shri Justice Sanjay Agrawal

Judgment on Board**17/11/2016**

1. This writ appeal is a totally frivolous appeal. It is directed against the judgment dated 2.11.2016 passed by the Learned Single Judge of this Court rejecting Writ Petition (S) No.5976 of 2016 filed by the Appellant/ Writ Petitioner challenging his transfer to Korea.
2. The only ground of challenge is that in Korea against one vacant post, two persons including the Appellant have been posted and there is still one

post of Assistant Grade-II lying vacant at Bilaspur.

3. As held by the Learned Single Judge, this is an issue to be decided by the employer and it is not for the employee to decide where he should be posted. The Appellant has been serving at Bilaspur since 2002 and he has spent more than 14 years at one station. Now merely because he has been posted at a remote area, is no ground to set aside his transfer.

4. Learned counsel for the Appellant/Petitioner submits that earlier also the Appellant has spent three years in scheduled area.

5. That makes no difference. The Appellant is 56 years of age and must have 20-30 years of service and out of that he has spent only three years in a scheduled area.

6. In view of the above, we find no merit in the writ appeal. It is dismissed accordingly.

Sd/-
(Deepak Gupta)
Chief Justice

Sd/-
(Sanjay Agrawal)
Judge