

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 273 of 2016

1. Dhaneshwar Mandal S/o Late Shri Biro Mandal, Aged About 44 Years Working On The Post Of Mining Sirdar, N I S No. 22704167, At Vindhya Colliery, Johila Area, S E C L, Naurojagad, Civil And Revenue District Umaria (Madhya Pradesh)

---- Petitioner

Versus

1. Coal India Ltd. Through Its Chairman, Headquarter At 10, Netaji Subhash Chandra Bose Road, Now Changed As Premises No. 04, M A R, Plot No. A F- III, Action Area 1 A, New Town, Rajarhat, Kolkata (West Bengal) 700156
2. Director (Personnel), Coal India Ltd., Headquarter At 10 Netaji Subhash Chandra Bose Road, Now Changed As Premises No. 04, M A R, Plot No. A F- III, Action Area 1 A, New Town, Rajarhat, Kolkata (West Bengal) 700156
3. S.E.C.L., Through Its Chairman Cum Managing Director, Headquarter Seepat Road, Bilaspur, (Chhattisgarh)
4. Director (Personnel), S.E.C.L. Headquarter Seepat Road, Bilaspur, (Chhattisgarh)
5. General Manager (Man Power), S.E.C.L., Headquarter Seepat Road, Bilaspur, (Chhattisgarh)
6. General Manager, S.E.C.L., Johila Area, Naurojabad, Distt Umaria (Madhya Pradesh)
7. Sub Area Manager, S.E.C.L., Vindhya Sub Area, Johila Area, Distt. Umaria (Madhya Pradesh)

---- Respondent

For Appellants

Shri J.P. Shukla, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra
Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board By

Prashant Kumar Mishra, J.

22/09/2016

1. Appellant is aggrieved by the order passed by the Single Judge dismissing his writ petition whereby the Coal India Limited ('the CIL' for brevity) has rejected his representation on 8-3-2016 refusing to transfer the appellant from South Eastern Coalfields Limited ('the SECL' for brevity) to CIL.
2. Appellant had earlier preferred WPS No.4612 of 2015, which was disposed of on 11-1-2016 directing the CIL to decide appellant's representation seeking transfer from SECL to CIL, Ranchi, in accordance with the applicable prevalent policy.
3. Having considered the appellant's representation the CIL has rejected the same on the ground that there is shortage of manpower in the SECL and the CIL too, therefore, the appellant cannot be transferred to the CIL, Ranchi.
4. In our considered opinion, learned Single Judge has not committed any such error which warrants interference in this intra Court appeal. It is so because the employer is in a

better position to assess its requirement in different subsidiary.

5. The argument that the SECL or the CIL is applying different yardstick in relation to such applications made by different employees working in different subsidiaries would not hold good because inter company transfer is not governed by any statutory provision. Transfer being incidence of service, it is for the employer to decide considering its own administrative exigency as to the posting of a particular employee at a particular point of time.
6. In view of the above, there is no substance in this appeal, which fails and is dismissed. However, it will remain open for the CIL to consider the appellant's representation in future, any situation so warrants and the appellant moves application.

Sd/-

Judge
Prashant Kumar Mishra

Sd/-

Judge
Chandra Bhushan Bajpai

Gowri

