

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6153 of 2016

Gurman Singh Rana S/o Heeralal Rana, Aged About 48 Years Occupation Assistant
Soil Conservator Officer, Kondagaon, Tahsil & Distirct Kondagaon Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Agriculture Department, Mantralaya Mahanadi Bhawan New Raipur District Raipur Chhattisgarh
2. The Director, Agriculture, Directorate, Labhandi Raipur, District Raipur Chhattisgarh
3. The Deputy Director, Agriculture, Kondagaon, District Kondagaon Chhattisgarh
4. The Transfer Examination Committee, Government Of Chhattisgarh Through Its Secretary, Mahanadi Bhawan, Mantralaya New Raipur Chhattisgarh
5. Kailashnath Markam, Posted As Assistant Director Agriculture, Kondagaon, District Kondagaon Chhattisgarh

---- Respondents

Shri Goutam Khetrapal, counsel for the petitioner/s.
Shri R.K.Gupta, Dy.A.G. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

30/11/2016

Challenge is to the order dated 06/09/2016 by which, petitioner's representation to cancel the transfer order or in alternative, post him at a nearby place of posting of his wife has been rejected.

2. Learned counsel for the petitioner submits that the petitioner has been transferred from Kondagaon to Pakhanjur whereas his wife is posted at Kondagaon within the jurisdiction of Jila Panchayat, Kondagaon and the Government's policy of keeping the husband and wife posted at the same place, as far as possible, has not been kept in view.

3. It appears that the transfer order of the petitioner has been effected on

administrative grounds. Once representation has been considered and transfer is found to have been made on administrative exigencies, the petitioner cannot claim as of right that he should be posted at some other place or at nearby place of posting of his wife. In such matters, normally, the Writ Court does not interfere when there is a Committee of senior officers of the State to consider. I do not find any ground to interfere with the impugned order.

4. Learned counsel for the petitioner now submits that in view of provisions contained in circular dated 03/06/2015, which provides that where a Government servant is posted in scheduled area or core scheduled area for a very long time, he is required to be posted in a non-scheduled area.

5. This prayer cannot be considered in the second round of litigation. This ground should have been raised in the earlier petition. That having not been done, the same transfer order cannot be challenged again on different grounds. Therefore, as far as this prayer is concerned, this Court cannot allow.

6. It is, however, made clear that this order shall not come in the way of the petitioner seeking transfer outside the scheduled area by moving representation before the authorities in the next transfer season.

7. The petition is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge