

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2148 of 2017

- Smt. Laxmin Bai W/o Moh. Vakil Khan, Aged About 45 Years Presently Posted At Office Of Chief Municipal Bagicha As Cleaner, District Jashpur (Chhattisgarh).

---- Petitioner

Versus

1. State Govt of Chhattisgarh Through The Secretary, Urban Administration Department, Mahanadi Bhavan, New Raipur (Chhattisgarh).
2. Chief Municipal Officer, Bagicha, District Jashpur (Chhattisgarh).

---- Respondents

For Petitioner	:	Shri Manoj Chauhan, Advocate
For Respondents-State	:	Ms. Sunita Jain, PL for the State

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

05/05/2017

1. By this petition, the petitioner is challenging the legality and validity of the order dated 11.04.2017 (Annexure P-1), whereby she has been transferred from Nagar Panchayat, Bagicha to Nagar Panchayat, Patthalgaon on administrative exigency.
2. It is a trite law that transfer/posting is an incident of service, the Court should not interfere with the transfer/posting order unless there is malice, infringement of statutory rules and regulations. The employees may be posted anywhere at the instance of the employer in public interest and administrative exigency. Further, it is for the Government to post another person if any vacancy arises on account of transfer/posting of an employee. (See **E.P. Royappa v. State of**

Tamil Nadu and another¹, *Shilpi Bose (Mrs.) and others v. State of Bihar & another², State of M.P. and another v. S.S. Kourv and others³, Mohd. Masood Ahmad v. State of U.P. & others⁴, Chief Commercial Manager, South Central Railway, Secunderabad & others v. G. Ratnam & others⁵ and Airports Authority of India v. Rajeev Ratan Pandey & others⁶).*

3. Considering the submission made by the learned State counsel that the impugned transfer order has been passed on administrative exigency, it may not be open for this Court to assess the existence or gravity of the administrative exigency, which has necessitated the impugned order, therefore, let the petitioner move a representation before the concerned Secretary raising her grievance in the matter within a period of 2 weeks from today. On such representation being filed, the concerned Secretary shall decide the representation at the earliest, preferably within a period of period of 4 weeks from the date of submission of representation.
4. For a period of 6 weeks from today, the status-quo, as it exists today in relation to petitioner's posting, shall be maintained.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

ashu

1 1974 (4) SCC 3
2 (1991) Supp 2 SCC 659
3 (1995) 3 SCC 270
4 (2007) 8 SCC 150
5 (2007) 8 SCC 212
6 (2009) 8 SCC 337