

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 6056 of 2017**

- Bharat Lal Dewangan S/o Shri Johan Lal Dewangan, Aged About 56 Years R/o Karbala Road Bilaspur, Tahsil And District Bilaspur Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Revenue Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh.
2. Collector, Bilaspur, District Bilaspur Chhattisgarh.

---- Respondent

For Petitioner	Shri Ravindra Sharma, Advocate.
For Respondents	Shri Adhiraj Surana, Dy. G.A.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****15/11/2017**

1. By order dated 14.08.2017, the petitioner who is working as R.I. has been transferred from Ratanpur, District Bilaspur (C.G.) to District Narayanpur (C.G.) on administrative exigency.
2. Challenging this order, the petitioner preferred WPS No. 4562 of 2017 which was disposed on 06.09.2017 allowing the petitioner to pursue his representation, which he had already filed, directing the competent authority to decide the same within a period of 4 weeks. This Court also directed

that for a period of 6 weeks no coercive steps shall be taken against the petitioner. Petitioner's representation has now been dismissed by the order Annexure P-1.

3. It is argued that under clause 1.5 of the transfer policy it is provided that an employee more than 55 years of age shall not be transferred to remote scheduled areas, therefore, the competent authority should have considered this ground but there is no reference of an objective consideration on this ground raised by the petitioner.
4. It is settled law that the transfer policy is a mere guideline which is not enforceable. While considering the decision on petitioner's representation, this Court neither acts as an appellate authority nor the authority concerned acts as an adjudicatory body, therefore, mere violation of guideline would not furnish any ground to exercise powers under Article 226 of the Constitution of India to annul the transfer order issued on administrative exigency. The Government considers the issue of transfer keeping in view several factors in mind and the administrative exigency, therefore, can be best appreciated by the Government and not by this Court. Interference in such matter would amount to interference in the day to day functioning of the State Government.
5. In view of the above, no case for entertaining this writ petition is made out and it is accordingly dismissed.

Sd/-

Judge

Prashant Kumar Mishra

Akhilesh