

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 183 of 2017

Sanjay Kumar Agrawal S/o Shri Lekh Ram Agrawal, Aged About 52 Years Sub Engineer, Water Resources Sub Division, Saja, Division Office Bemetara, District Bemetara, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Water Resources Department, Ministry, Mahanadi Bhawan, New Raipur, Chhattisgarh, P.S. Rakhi.
2. Chief Engineer, Mahanadi Godawari Kachhar, Water Resources Department, Raipur, (Chhattisgarh)
3. Executive Engineer, Water Resources Department, Bemetara, (Chhattisgarh)

---- Respondents

Shri Ajay Shrivastava, counsel for the petitioner/s.
Shri Chandresh Shrivastava, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

30/01/2017

This is second round of litigation.

Earlier, the petitioner had filed a petition challenging transfer order dated 21/07/2016 transferring the petitioner from Bemetara to Bijapur.

Though this Court did not find other ground of challenge tenable, considering that the petitioner was posted as Lecturer within the jurisdiction of Jila Panchayat, Bemetara. The matter was sent to the State for consideration.

The representation of the petitioner has now been rejected vide order dated 30/09/2016 on the ground of exigency of service.

Adjustments on the ground of Government servant being husband and wife, therefore, posted at nearby station is only subject to administrative exigency and cannot over ride the administrative exigency. The petitioner has remained posted at the present place since 2012 and the place where he is being transferred, there exists vacancy. The combination of these constitute

administrative exigency which has led to rejection of his representation.

Therefore, I do not find any ground to interfere. The petition is accordingly dismissed.

**Sd/-
(Manindra Mohan Shrivastava)
Judge**

Deepti