NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2884 of 2017

Bhuneshwar Prasad Manahar S/o Late Mehatarlal Manahar, Aged About 44 Years Presently Working On The Post Of Fish Inspector Janpad Panchayat Dabhara (Assistant Director Fishari) District Janjgir Champa (Chhattisgarh).

---- Petitioner

Versus

1. State of Chhattisgarh Through The Secretary, Department of Fisheries Mahanadi Bhawan New Raipur District Raipur (Chhattisgarh).
2. The Director, Fisheries Indrawati Bhawan New Raipur District Raipur (Chhattisgarh).
3. The Assistant Director, Fisheries District Janjgir Champa (Chhattisgarh).
4. The Chief Executive Officer, Janpad Panchayat Dabhara District Janjgir Champa (Chhattisgarh).

---- Respondents

For Petitioner : Shri AN Pandey, Advocate.
For Respondent/State : Shri Satish Gupta, Govt. Advocate.

SB: Hon'ble Shri Justice P. Sam Koshy

Order On Board

07/07/2017

1. The challenge in the present writ petition is the order dated 25.07.2016 whereby the petitioner has been transferred from the office of Assistant Director, Fisheries, Distt. Janjgir Champa to the office of Assistant Director, Fisheries, Balrampur.
2. On specific query being put to the counsel for the petitioner that for how long the petitioner is serving at Distt. Janjgir Champa**,** he submits that the petitioner has been posted at Janjgir Champa for last three years. However, he submits that at the present place of posting (Annexure P/3) he is there only for last two months, which again is

within the District

3. This court is not inclined to accept the contention of the petitioner that he is the victim of frequent transfer as he is discharging his duties in district Janjgir Champa for more than three years.

4. It is settled position of law so far as transfer and posting are concerned. It is exclusively prerogative of the employer who has the right to decide the place of posting of an employee. The scope of judicial review by the High Court in exercise of its writ jurisdiction in such circumstances is very minimal. It is settled by a plethora of decisions wherein it has been held that the High Court in exercise of writ jurisdiction should not venture into interference with orders passed on administrative exigency. It should be left open for the State. Accordingly, this Court does not find any strong case for interfering with the impugned order. The petition thus fails. As a consequence it stands rejected.

5. However, it would be left open for the petitioner to approach the concerned respondent by moving an appropriate representation for redressal of his grievances in accordance with the policy of the State Govt. In the even if such representation is filed, it is expected that the authority concerned shall look into the matter.

6. With the aforesaid observation, the present writ petition stands dismissed.

Sd/-
(P. Sam Koshy)
Judge

inder