

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 88 of 2017**

Janak Ram S/o Late Shri Dashe Ram, Aged About 26 Years T R W Category- I,
Bagdeva Project, Sub Area, Dhelwadih, Sihali, S E C L, Korba, Distt. Korba
(Chhattisgarh)

---- Appellant**Versus**

1. South Eastern Coalfields Limited Head Office At Seepat Road, Bilaspur Through
Its Chairman-Cum- Managing Director, District Bilaspur (Chhattisgarh)
2. Managing Director (Ka./Sh.Sh.) S E C L, Bilaspur, District Bilaspur
(Chhattisgarh)
3. Area Personnel Manager, Korba Area, Distt. Korba (Chhattisgarh)
4. Sr. Manager (Personnel), Dhel-Singhali- Bagdeva, Sub Area, Korba, Distt. Korba
(Chhattisgarh)
5. Chief Personnel/ Regional Personnel Manager, S E C L, Korba Area, Distt.
Korba (Chhattisgarh)
6. Sub Regional Manager, Dhelwadih, Singhali, Bagdeva, Sub Area, S E C L,
Korba District Korba (Chhattisgarh)

---- Respondents

For Petitioner	: Shri A.S.Rajput, Advocate
For Respondents	: Shri K.K.Shrivastava, Advocate.

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Pritinker Diwaker, J.

Judgment on Board**Per Thottathil B. Radhakrishnan, Chief Justice****20/03/2017**

1. This writ appeal is against the judgment of the learned Single Judge
refusing to interfere at the instance of the Appellant with Annexure P/3 in
the writ petition by which the Appellant's request for transfer to another unit
of Coal India Limited was accepted.

2. We have heard the learned Counsel for the Appellant and the learned Counsel for the Establishment.
3. As is discernible from the impugned judgment itself, Annexure P/1, appointment order of the Appellant does not contain any condition which could be treated as a condition of service thereby dis-entitling the Establishment from transferring the Appellant to a place or unit of its choice. Fundamentally, it is the need of the Establishment which governs the transfer and posting of the employees. The mere fact that the Appellant now shows through his appeal, Annexure P/2, under which he has made a request for transfer to an open cast project does not generate any legal right in the Appellant to insist that he could not have been posted to a category of a work other than the surface job or open cast project.
4. With this, we do not find any ground to interfere with the reasons rendered by the learned Single Judge in dismissing the writ petition. We do not, therefore, find any reason to interfere with the said judgment in this intra-Court appeal. The writ appeal, therefore, fails.
5. Resultantly, for the aforesaid reasons, the writ appeal is dismissed in *limine*.

Sd/-

(Thottathil B. Radhakrishnan,)
CHIEF JUSTICE

Sd/-

(Pritinker Diwaker)
JUDGE