

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3151 of 2016

- Jai Shankar Uraon S/o Shri P. R. Uraon, Aged About 43 Years Occupation Service, Presently Posted As Tahsildar, District Mungeli, R/o Ganga Nagar, Sector- 2, P. O. Mangla, Bilaspur District Bilaspur (Chhattisgarh)

---- Petitioner

Versus

- State Of Chhattisgarh Through The Secretary, Ministry Of Revenue And Natural Disaster, Mantralay, Mahanadi Bhawan, Naya Raipur (Chhattisgarh)

---- Respondent

For Petitioner	:	Shri Sameer Uraon, Advocate
For Respondent/State	:	Shri R. K. Gupta, Dy.AG

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

03/03/2017

Heard.

2. The petitioner has challenged transfer order dated 20-07-2016 (Annexure P/6) on the ground that the petitioner has been subjected to frequent transfer. It is submitted that pursuant to order dated 03-12-2015, by which, the petitioner was transferred from Pendra Road, District Bilaspur to Sargaon, District Mungeli, he was relieved on 18-02-2016 and thereafter, he submitted his joining before the Collector Mungeli, he was posted at Pathariya and the petitioner joined at Pathariya. While working at Pathariya, vide order 20-07-2016, which order he carried out within a short period of five months, the State Government has now transferred the petitioner from Pathariya District Mungeli to Mohla, District Rajnandgaon. Learned counsel for the petitioner submits that in view of the transfer policy, the normal tenure of posting of the officer is one year, but barely within a period of five months, after posting at Pathariya, the petitioner has again been shifted.

3. Learned State counsel submits that it is a case of administrative exigency. He submits that only on the ground of violation of transfer policy, the officer cannot

challenge the transfer order. He also submits that the impugned transfer will not cause serious hardship to the petitioner, because he is not a low paid employee, but holds the post of Tahsildar.

4. It appears that within a short period of five months of petitioner's posting at Pathariya, he has again been transferred. Though, there cannot be quarrel with the proposition of law that a government servant can always be transferred from one place to another due to exigency of service, but at the same time, it must be guided by administrative exigency or public interest. Therefore, in these circumstances, the State should consider the matter from this point of view that within a short period of five months, the petitioner was shifted.

5. May be that frequent shifting of the petitioner from Pathariya, District Mungeli to Mohla, District Rajnandgaon was not within the notice and knowledge of the government, when transfer order was passed on 20-07-2016. This aspect needs consideration, unless there was some acute exigency requiring shifting of the petitioner within a short period, the State shall do well to ensure that the transfer of the petitioner is only in accordance with its own transfer policy. The petitioner did not prefer any representation and filed this petition because he filed this petition aggrieved by frequent shifting.

6. It is directed that the petitioner shall submit a copy of this order along with a representation within a period of two weeks before the transferring authority. The concerned authority may consider and take decision on the said representation preferably within a period of six weeks from the date of receipt of representation. Till the appropriate decision is taken in the matter, the petitioner shall continue at the present place of posting.

7. With the aforesaid observation/direction, this petition is finally disposed off.

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