

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 91 of 2017**

Sanjay Kumar Agrawal, S/o. Shri Lekh Ram Agrawal, aged about 52 years, Sub-Engineer, Water Resources Sub-Division Office Saja (Bemetara), District Bemetara (C.G.)

---- Appellant**Versus**

1. State of Chhattisgarh, through : Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur (C.G.)
2. Chief Engineer, Mahanadi Godawari Kachhar, Water Resources Department, Raipur, District Raipur (C.G.)
3. Executive Engineer, Water Resources Department, Bemetara, District Bemetara (C.G.)

---Respondents

For Appellant	:	Shri Manoj Paranjpe, Advocate.
For Respondents/State	:	Shri J.K. Gilda, Advocate General.

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

Judgment on Board**Per Thottathil B. Radhakrishnan, Chief Justice****21/03/2017**

1. We have heard the learned Counsel for the Appellant-Employee and the learned Advocate General in this writ appeal against the judgment of the learned Single Judge refusing to interfere with the transfer order.
2. The Appellant and his wife are government servants. In an earlier round, the Appellant contended before this Court that he having served the tribal belt for fairly long time, should be excused from the proposed transfer. That did

not find favour with this Court. Nonetheless, the Establishment was directed to consider the request of the Appellant for a favourable posting taking into consideration that his wife is also in government service. That representation has since been rejected stating that the transfer of the Appellant is on exigencies of service.

3. It is trite law that transfer is an incidence of service. Exigencies of service is the paramount consideration for the administration to effect transfer and postings. There are different facets of this issue. Contemporaneous with such public interest and governmental management issues, also run the employee's aspirations for a posting in such a way that it would be conducive to further the family ties. Yet, we do not see that there is any illegality or jurisdictional infirmity in the decision of the learned Single Judge in having refused to interfere with the impugned order of transfer, though, the decision of the Government transferring the Appellant in exigencies of service is not a measure for all times to come and would be always available for reconsideration at the hands of the Government from time to time based on the changing facts and circumstances. Therefore, if any representation is made by the Appellant contemporaneous with the next general transfer requests, we leave it open to the Government to consider the said application sympathetically.

4. Subject to the aforesaid, this writ appeal is dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-

(Pritinker Diwaker)
JUDGE