

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No.137 of 2017**

Siyaram Karmakar S/o Late Shri Sewak Ram Karmakar, Aged About 51 Years
R/o Village Dumardih, Post Risdi, Police Station Rajgamarg, District Korba
(Chhattisgarh).

---- **Appellant**

Versus

1. State of Chhattisgarh Through The Secretary, Forest Department, Mahanadi Bhawan, Raipur (Chhattisgarh).
2. The Under Secretary, Forest Department, Mahandi Bhawan Raipur, Chhattisgarh.
3. The Principal Chief Conservator of Forest Chhattisgarh, Aranya Bhawan, Medical College Road, Raipur, Chhattisgarh
4. The Chief Conservator of Forest, Bilaspur Circle, Bilaspur Chhattisgarh.
5. Chhattisgarh Rajya Laghu Vanopaj Sangh, Raipur Chhattisgarh Through The Managing Director, Chhattisgarh Rajya Laghu Vanopaj Sangh, Shankar Nagar, Raipur Chhattisgarh.
6. Jila Laghu Vanopaj Sangh Dharamjaigarh Vanmandal, District Raigarh Chhattisgarh Through The Managing Director Jila Laghu Vanopaj Sangh Dharamjaigarh Vanmandal, District Raigarh Chhattisgarh
7. Shri Paramanand, Deputy Forest Ranger, Jila Laghu Vanopaj Sangh Korba Vanmandal District Korba Chhattisgarh.

---- **Respondents**

For Appellant	:	Shri Goutam Khetrapal, Advocate.
For respondents/State	:	Shri B. Gopa Kumar, Deputy Advocate General.

Hon'ble The Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order On Board

Per, Thottathil B. Radhakrishnan, CJ

19/04/2017

1. We have heard learned counsel for the appellant and the learned Additional Advocate General quite in extensio. This writ appeal is against the order of learned Single Judge affirming the order of transfer of a Deputy Forest Ranger.
2. The appellant who was a Forester, was promoted as Deputy Forest Ranger

and was thereafter deputed to Zila Laghu Vanopaj Sangh. Thereafter, he has now been brought back to Achanakmar Tiger Reserve. The appellant challenges this by saying that the impugned transfer order has been made within a period of six months of his earlier placement. He further contends that transfer ought to have been made only by following the seniority list, since, if the 7th respondent-Permanand is posted on deputation ignoring the seniority of the appellant, that would be in violation of the requirement that the deputation should be on the basis of seniority. The learned Single Judge found that the transfer was in exigency of service and it would be impossible to interfere with the order of transfer impugned in the writ petition.

3. The State had contended before the learned Single Judge that the situation has arisen in view of opening of a new Tiger Reserve at Surahi. In this appeal, the appellant has attempted to show through additional material that the place Surahi is in a Tiger Reserve which came to being in 2009. Perusing the additional document that is brought in, it is noted that Surahi is not specifically included in that Tiger Reserve. The fact that the said Tiger Reserve came into being in 2009 would itself sufficiently indicate that it is fairly a new Tiger Reserve. After 6-7 years of its existence if that unit is further extended, it necessarily would go to show that the area of the Tiger Reserve keeps increasing with the passage of time. However, the identity of the Tiger Reserve which was constituted through the notification would continue. Hence, we are unable to uphold the plea in that regard.
4. In so far as the plea of seniority is concerned, the question of 7th respondent gaining a particular posting irrespective of the seniority cannot be a matter of concern of the appellant in this appeal where the challenge levied is only to the transfer order through which the appellant has been transferred. Not only that, the appellant does not have any vested right to continue in a particular

station, following a transfer or deputation and consequential posting.

5. For the aforesaid reasons, we concur with the decision of learned Single Judge holding that the impugned transfer order is one which is issued in exigencies of service and does not warrant any interference of this court under Article 226 of the Constitution. This appeal therefore fails.
6. In the result, the writ appeal is dismissed.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge

inder