

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2018 of 2017

- Sudhir Soni, S/o Shri Ramnath Soni, Aged About 37 Years, Posted as Cadre Officer Grade III, Apex Bank Sharda Chowk Branch Raipur, District Raipur Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh Through The Secretary, Cooperative Department, Mahanadi Bhawan New Raipur Chhattisgarh
2. The Managing Director, Apex Bank, Raipur, Head Office Indira Gandhi Vyavsayik Parisar, Pandri Raipur, District Raipur Chhattisgarh
3. The Branch Manager, Apex Bank, Sharda Chowk, Branch Raipur District Raipur Chhattisgarh

---- Respondents

For Petitioner	Shri Mahesh Pandey, Advocate
For Respondent-State	Shri Satish Gupta, GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

27/04/2017

1. By this petition, the petitioner is challenging the legality and validity of the order dated 29.03.2017 (Annexure P-1), whereby he has been transferred from Chhattisgarh State Cooperative Bank Ltd., Branch Sharda Chowk, Raipur to Chhattisgarh State Cooperative Bank Limited, Branch Raigarh on administrative exigency.

2. It is a trite law that transfer/posting is an incident of service, the Court should not interfere with the transfer/posting order unless there is malice, infringement of statutory rules and regulations. The employees may be posted anywhere at the instance of the employer in public interest and administrative exigency. Further, it is for the Government to post another person if any vacancy arises on account of transfer/posting of an employee. (See *E.P. Royappa v. State of Tamil Nadu and another*¹, *Shilpi Bose (Mrs.) and others v. State of Bihar & another*², *State of M.P. and another v. S.S. Kourv and others*³, *Mohd. Masood Ahmad v. State of U.P. & others*⁴, *Chief Commercial Manager, South Central Railway, Secunderabad & others v. G. Ratnam & others*⁵ and *Airports Authority of India v. Rajeev Ratan Pandey & others*⁶).
3. In view of the limited jurisdiction of this Court in respect of challenge to the transfer order, which has been issued by the competent authority due to obtaining administrative exigency, instead of interfering with the order, ends of justice would be served if the writ petition is disposed of with liberty to the petitioner to move representation before the competent authority within a period of 2 weeks from today and in turn, the competent authority shall consider and decide the same at the earliest, in accordance with law, on

1 1974 (4) SCC 3

2 (1991) Supp 2 SCC 659

3 (1995) 3 SCC 270

4 (2007) 8 SCC 150

5 (2007) 8 SCC 212

6 (2009) 8 SCC 337

its own merits. It is ordered accordingly.

4. It is made clear that this Court has not expressed any opinion on the merits of the case and the respondent authorities shall decide the matter, on its own merits, strictly in accordance with law, without treating any observation made in this order, as opinion on the merits of the case.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala