

HIGH COURT OF CHHATTISGARH, BILASPUR**Reserved on 12.10.2017****Delivered on 13.10.2017****Writ Appeal No. 398 of 2017**

(Arising out of order dated 26.09.2017 in Writ Petition (S)

No. 4356 of 2017 of the learned Single Judge)

- Jogi Ram Rathia (J.R. Rathia) S/o Late Shri Nanki Ram Rathia (N.R.Rathia), Aged About 56 Years, Presently Posted And Working As Sub Divisional Forest Officer, North Korba, Sub Division North Korba, Forest Division Korba, Tahsil & District Korba, Chhattisgarh

---- Appellant**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Forest, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur, Chhattisgarh
2. Principal Chief Conservator Of Forest, Chhattisgarh Jail Road, Raipur, P.O. & P.S. Raipur, District Raipur, Chhattisgarh
3. Divisional Forest Officer, Korba Forest Division Korba, District Korba, Chhattisgarh
4. Sanjay Luthar, Assistant Forest Conservator, Presently Posted As Dy. Managing Director, Zila Laghu Vanopaj Sangh Maryadit, Dharamjaigarh, District Raigarh, Chhattisgarh

---- Respondents

For Appellant	:	Shri Shri Dhaniram Patel, Advocate
For State	:	Shri UNS Deo, Government Advocate
For Respondent No.4	:	Shri Prateek Sharma, Advocate

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice**Hon'ble Shri Sharad Kumar Gupta, Judge****C.A.V. JUDGMENT****Per Sharad Kumar Gupta, Judge**

1. In this writ appeal, the challenge levied is to the order dated 26.09.2017

(Annexure A/1) passed by the learned Single Judge of this Court in Writ Petition (S) No. 4356 of 2017, whereby the said writ petition has been dismissed.

2. In brief, the appellant's case is that he is Assistant Conservator in the Forest Department and at the time of filing of the said writ petition he was posted as Sub-Divisional Officer (Forest), North Korba, Forest Division-Korba, tahsil and district Korba, Chhattisgarh. He has been transferred to Attached Officer, Forest Division- Korba vide order dated 14.08.2017 on the ground of administrative exigency. Respondent-4 who is Deputy Managing Director, District Minor Forest Produce Federation, Dharamjaigarh (on deputation) has been transferred in place of the appellant on his own request vide order dated 14.08.2017. Earlier, respondent-4 was posted as Sub Divisional Officer, Balco Forest Division, Korba. He was promoted and posted as Deputy Managing Director, District Minor Forest Produce Federation, Forest Division Dharamjaigarh, in place of the appellant, within a period of 11 months of his earlier posting, which is contrary to the Transfer Policy dated 11.07.2017 read with 24.07.2017. As per the provision of Clause 3.1 of the Transfer Policy, the Officer, who is on deputation may be posted in his parental department provided no other official is disturbed. In this case, the petitioner has been disturbed and only to accommodate respondent-4, he has been transferred. Therefore, the appellant had challenged his transfer order before the learned Single Judge of this Court in the writ petition which has been dismissed. Hence this appeal.
3. Case of respondent- 4, in brief, is that Office of the Sub-Divisional

Officer (Forest), North Korba and the Office of the Attached Officer, Korba Division are situated in the same premises under the Office of the Divisional Forest Officer, Korba. Meaning thereby, the appellant is transferred only from one chamber to another chamber in the same premises. He also submits that the appellant has completed near about two years' tenure in his earlier place of posting and has already joined at his new place of posting.

4. Shri Dhaniram Patel, the learned counsel for the appellant emphatically argued that the aforesaid transfer order is not sustainable in law and has been passed with *mala fide* intention and only to accommodate respondent-4 and the transfer order is violative to the provisions of the Transfer Policy.
5. Shri UNS Deo, Government Advocate for respondents-1 to 3 and Shri Prateek Sharma, counsel for respondent-4 argued that the transfer of the appellant is in accordance with law and passed without any ulterior motive , therefore, does not call for any interference.
6. It would be pertinent to mention the provision of Clause 1.6 of the Transfer Policy dated 11.07.2017 read with 24.07.2017, which is reproduced hereunder for ready reference:-

“1.6 ऐसे शासकीय सेवक जो एक ही स्थान पर एक वर्ष या उससे अधिक कालावधि से पदस्थ हों, केवल उन्हीं के स्थानांतरण किये जायेंगे।”

7. This is not the appellant's case that at the time of the transfer in question, he has not completed one year. He has also not disputed that

both the places of posting are not situated in different cities or these places are located in same premises.

8. Appellant has no *locus standi* with the transfer of respondent-4. He cannot take any advantage from the transfer of respondent- 4. Appellant is bound to stand on his own foot. The appellant, if aggrieved, is bound to establish that his transfer is bad in law.
9. There is no such evidence on record on the strength of which it could be said that the impugned order violates any statutory rules or regulations or it has been passed by the authority who has no jurisdiction or it has been passed with *mala fide* intention.
10. On the basis of the foregoing facts and circumstances, we hold that the impugned order (Annexure A/1) does not cause any prejudice, problem, hardship to the appellant and it cannot be termed as illegal. Therefore, we agree with the reasons stated in the impugned order of the learned Single Judge and affirm the impugned order.
11. On the cornerstone of the aforesaid facts and circumstances, we conclude that no substantial issue has been raised in this writ appeal calling for interference with the impugned order.
12. The writ appeal therefore, being devoid of merits, is dismissed. The appellant should bear his own cost as well as cost of the respondents.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge