

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5669 of 2017**

- Jageshwar Prasad Sahu S/o Shri I.R. Sahu, Aged About 42 Years
Posted As Fishery Inspector, Resident Of House No. P - 2 B / 425,
Sector - 27, New Raipur, District Raipur Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Fisheries Department, Mahanadi Bhawan, Mantralaya, New Raipur Chhattisgarh.
2. The Director Fishiculture, Indravati Bhawan, New Raipur Chhattisgarh.
3. Sourabh Chandrakar, Fishery Inspector, Office Of Assistant Director, Fishiculture, District Balrampur Chhattisgarh.
4. The State Level Transfer Examination Committee, Through Its Chief Secretary, Government Of Chhattisgarh, Mahanadi Bhawan, Mantralaya, New Raipur Chhattisgarh.

---- Respondent

For Petitioner	Mr. Gauram Khetrapal, Advocate
For Respondent /State	Mr. Adhiraj Surana, Dy. GA

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

31/10/2017

1. Heard.
2. Vide order dated 14.8.2017, the petitioner working as Fishery Inspector, has been transferred from Gariyaband to Balrampur. His earlier writ petition i.e. WPS No.4052 of 2017 was disposed of with direction to the respondents to decide the petitioner's representation, which has now been rejected by the impugned

order -Annexure P/1.

3. It is argued that since from inception, the petitioner has been working in the scheduled area, therefore, as per the Government Policy, he should have been considered for transfer to a non-scheduled area. However, the said issue has not been addressed in the impugned order.
4. It is the settled law that the transfer guidelines are not enforceable.
5. If posting of an employee at a particular place or a non-scheduled area is directed by issuing mandamus, it will amount to interference in the day to day administration of the State Government. The transfer guidelines have to be worked on depending upon several factors governing the administration of a particular Department or its Offices. Therefore, it is better this Court should ordinarily not interfere in such matters, which lie within the exclusive domain of the State Government. Such interference can be made only when there is violation of any statutory provision or posting at a particular place, the order passed adversely affects any of the service condition of the concerned employee. However, that being not a case here, there is no ground to interfere in the impugned order.
6. The writ petition is accordingly dismissed. Sd/-

Judge

(Prashant Kumar Mishra)