

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 102 of 2017**

Refeniyus Ekka S/o U. Benjamin Ekka, Aged About 58 Years
 Presently Working As Administrative Officer, (Claims), Divisional
 Office Life Insurance Corporation, Bilaspur, District Bilaspur
 (Chhattisgarh) ---- **Petitioner**

Versus

1. Life Insurance Corporation Through Divisional Manager, Divisional Office, Bilaspur, Magar Para, Bilaspur, District Bilaspur (Chhattisgarh)
2. Life Insurance Corporation, Manager (Personnel), (P & I R) Department, Divisional Office, Ahuja Market, Burhar Road (Shahdol) (Madhya Pradesh)
3. Zonal Manager, Life Insurance Corporation P & I R Department, L I C Central Zonal Office, 60- B, Hoshangabad Road, Bhopal (Madhya Pradesh) ---- **Respondents**

For Petitioner : Mr. Sushobhit Singh, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****11/01/2017**

Heard on admission.

1. This is a petition challenging transfer order dated 03.05.2016 and rejection of representation vide communication dated 29.12.2016.
2. Learned counsel for the petitioner submits that the petitioner was transferred from Bilaspur to Shahdol whereas he had given his option for transfer at Ambikapur, Pattalgaon and Korba. Therefore, the respondents could not have transferred the petitioner to any place other than the place of his option. Next ground is that though the petitioner was transferred vide order dated 03.05.2016 from Bilaspur to Shahdol, he had preferred a representation and during the pendency of his representation, he was again transferred vide order dated 22.11.2016 from one office in the Bilaspur to another office in the Bilaspur. Therefore, once he has been transferred, he could not again subjected to transfer. Another ground of challenge is that the petitioner is an office bearer, therefore, he ought not to have been transferred. Last ground of challenge is as the daughter of

the petitioner is studying in Engineering College at Bilaspur, it would adversely affect her studies in mid session.

3. I am afraid, none of the grounds called for interference by the writ Court against the transfer order on the facts and circumstances of the present case.

4. The petitioner was transferred from Bilaspur to Shahdol vide order dated 03.05.2016, he had made a representation in the meantime, there was a local adjustment when the petitioner was shifted from one office to another office at Bilaspur. Transfer order dated 03.05.2016 has been passed by the Zonal Manager, therefore, that order is not subject to the order of local shifting of the petitioner at Bilaspur from one office to the other.

5. The petitioner could not point out any binding policy that an employee could be transferred only to the station of his choice under any contract of service with the respondent employer. The petitioner's claim to continue at the present place of posting on the ground that he is the office bearer, also does not merit acceptance because there is no such binding policy shown to the Court that even though a person completed his normal tenure of posting, he could not be subjected to transfer, if he is an office bearer.

6. Lastly, the submission that the daughter of the petitioner is studying in Engineering College, therefore, he could not be transferred in mid session, is also liable to be rejected because it is not a case where the daughter of the petitioner was studying in school and it will require withdrawal of admission at this stage.

7. Transfer is only an incident of service. Unless the order is vitiated by illegality or malafide exercise of power, no interference is called for.

8. The petition is therefore dismissed.

Sd/-

**(Manindra Mohan Shrivastava)
Judge**