

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1050 of 2017**

Prem Kumar Nirmalakar S/o Babulal Nirmalkar, Aged About 32 Years
 Working As Data Entry Operator, At O/o B. R. C., Sarv Shiksha
 Abhiyan, Raigarh, District Raigarh (Chhattisgarh) R/o Dhangardipa,
 Bawalikuna, Ward No. 02, Radhika Kirana Store, Raigarh, District
 Raigarh (Chhattisgarh) **---- Petitioner**

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Naya Raipur (Chhattisgarh)
2. The Mission Director, Rajiv Gandhi Shiksha Mission, H.Q. Pension Bada, Raipur, Chhattisgarh.
3. The Collector And District Mission Director, Rajiv Gandhi Shiksha Mission, District Raigarh (Chhattisgarh)
4. Ku. Anjali Richa Ekka, M. I. S. Co-Ordinator, O/o. B. R. C. Raigarh, District Raigarh (Chhattisgarh) **....Respondents**

For Petitioner	:	Mr. R.K. Kesharwani, Advocate
For State	:	Mr. R.K. Gupta, Dy. A.G.
For Respondents/Mission Director	:	Ms. Pushpa Dwivedi, Advocate, on advance copy.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****02/03/2017**

Heard.

1. Challenge is to order dated 21.02.2017 on the ground that the petitioner was appointed on contract basis at Block Resource Centre at Raigarh by the Collector and District Mission Director of Rajiv Gandhi Mission Raigarh, District Raigarh. By the impugned order, the petitioner is being transferred to another Resource Centre. It is submitted that as the petitioner is a contract employee, he could not be transferred.
2. Learned counsel for the respondents submits that the petitioner continues to be under the employment of the same employer and there is

nothing in appointment order that he could not be posted in any other office of the employer.

3. There is no direction under the order of contract appointment that the petitioner could not be posted in other office of the same employer. In the absence of any specific condition to the contrary, it goes without saying that the petitioner could be asked to work under the same employer in any other office under the control of Mission Director, therefore, there is no illegality.

4. An apprehension has been raised by the petitioner that in view of clause 2 of the appointment order dated 11.10.2012, he may not be given any allowances to meet out the expenses of transfer.

5. It is not a case of voluntary transfer. The petitioner has been transferred from one office to another office under the same employer in administrative exigencies, therefore, the expenditure incurred by the petitioner undergoing a transfer, will have to be borne by respondent No.2 & 3.

6. The petition is accordingly disposed off.

Sd/-

**(Manindra Mohan Shrivastava)
Judge**