

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4150 of 2016

Siyaram Karmakar S/o Late Shri Sewak Ram Karmakar Aged About 51
Years R/o Village Dumardih, Post Risdi, Police Staiton Rajgamarg, District
Korba Chhattisarh
---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Forest Department,
Mahandi Bhawan Raipur Chhattisgarh
2. The Under Secretary, Forest Department, Mahandi Bhawan Raipur,
Chhattisgarh
3. The Principal Chief Conservator Of Forest Chhattisgarh, Aranya Bhawan,
Medical College Road, Raipur, Chhattisgarh
4. The Chief Conservator Of Forest, Bilaspur Circle, Bilaspur Chhattisgarh
5. Chhattisgarh Rajya Laghu Vanopaj Sangh, Raipur Chhattisgarh Through
The Managing Director, Chhattisgarh Rajya Laghu Vanopaj Sangh,
Shankar Nagar, Raipur Chhattisgarh
6. Jila Laghu Vanopaj Sangh Dharamjaigarh Vanmandal, District Raigarh
Chhattisgarh Through The Managing Director Jila Laghu Vanopaj Sangh
Dharamjaigarh Vanmandal, District Raigarh Chhattisgarh
7. Shri Paramanand, Deputy Forest Ranger, Jila Laghu Vanopaj Sangh
Korba Vanmandal District Korba Chhattisgarh
---- **Respondents**

For Petitioner : Mr. Rishi Rahul Soni, Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

07/03/2017

Heard.

1. The transfer order dated 30.07.2016 is under challenge on the following
grounds :
 - (a) That in the transfer order, the designation of the petitioner has been
shown as Forester whereas the petitioner is substantively holding the post
of Deputy Forest Ranger vide order dated 17.11.2015.
 - (b) That the petitioner has been subjected to frequent transfer in as

much as, within the short period of six months, the petitioner has been repatriated and posted in the Tiger Reserve at Surahi, District Lormi, which is without an exigency.

(c) That in the matter of withdrawal of Government employee from deputation, the normal Rule of seniority is not followed.

2. Learned State counsel, at the outset, submits that in the transfer order, there was a typographical mistake and an amended order correctly showing the designation of the petitioner as Deputy Forest Ranger has been issued on 31.12.2016. The next submission of learned State counsel is that due to opening of a new Tiger Reserve at Surahi, District Lormi, the employees are required and therefore, for this administrative exigency, it was decided to withdraw the services of the petitioner from the Federation and post in Tiger Reserve. He submits that the guidelines regarding considerations of seniority are only administrative instructions and in appropriate cases, looking to the need of manning persons of the Rank of Deputy Ranger, impugned order was required to be passed.
3. As far as the first ground that the petitioner is being transferred as Forest Ranger, no longer survive in view of amended order which has now been passed. The other two grounds relate to administrative exigencies only. Normally, an employee is not shifted from one place to the other place unless he completes his normal tenure of service. However, it is not an inviolable Rule. In administrative exigency, the Government servant can be transferred from one place to the other place without completion of his normal tenure. Moreover, it does not appear to be a case of acute hardship so as to warrant interference by this Court in exercise of jurisdiction under Article 226 of the Constitution of India.
4. The other ground that the senior person should have been picked-up when the occasion arose, without withdrawing employee from Federation is again administrative guideline, which cannot be enforced in the writ petition. The order does not visit any penal consequences or any other serious hardship warranting interference of this Court. Therefore, the petition is dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge