

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 858 of 2018

Anand Kewal Mishra S/o Harshul Mishra, Aged About 58 Years Working As Branch Manager At Chhattisgarh Rajya Gramin Bank, Dharsiwa, District Raipur (Chhattisgarh), District : Raipur, Chhattisgarh

---- Petitioner

Versus

1. Chhattisgarh Rajya Gramin Bank Through Its Chairman Head Office Sunder Nagar Daganiya Chowk, Raipur, District Raipur (Chhattisgarh), District : Raipur, Chhattisgarh
2. The Regional Manager, Chhattisgarh Rajya Gramin Bank, Regional Office, Sunder Nagar, Daganiya Chowk, Raipur (Chhattisgarh), District : Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri J.D. Vajpaee, Advocate
For Respondents	:	Shri N. Naha Roy, Advocate

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

Order On Board

23/01/2018

Heard.

1. Challenge is to the order dated 5.1.2018 by which the petitioner's representation for changing of his posting/cancellation of transfer order has been rejected.
2. Learned counsel for the petitioner would argue that while rejecting petitioner's representation, respondents have not kept in view the transfer policy that the officer should be subjected to transfer normally after 3 years. He would further submit that the petitioner had given his option of posting to different places including an option for mutual transfer. Thirdly, the petitioner is more than 55 years of age, therefore, he ought to be exempted from posting

to difficult/hard station. Learned counsel for the petitioner lastly submits that the petitioner himself is not keeping well and his sister who resides at Pune is suffering from serious disease cancer and, therefore, the petitioner is required to go to that place time and again and if he is posted at Bilaigarh, it will become difficult for him to attend his ailing sister.

3. The transfer policy which has been placed on record show that though a person's normal period of stay at one station is 3 years, the provision itself shows that on administrative ground, transfer can be effected even before stipulated period. The other ground that officer may be exempted from posting at difficult/hard station is qualified with the condition that it could be done as far as possible/feasible. The petitioner has been posted to Bilaigarh which is stated to be about 170 km from the present place of posting. It is not a case that the petitioner has been posted to a far-flung tribal area of the State. Bilaigarh is situated in Balodabazar district.
4. There are various personal difficulties which appears to have been taken into consideration. The reason operative for consideration of the petitioner's case, as stated in the order, is that the transfer was necessary according to petitioner's experience and efficiency for unavoidable administrative reasons. Personal ground could not be made a basis to warrant interference in exercise of writ jurisdiction under Article 226 of the Constitution of India. All other grounds are only administrative in nature.
5. Having taken into consideration that the petitioner has been transferred to a place which is not any tribal area but only near Raipur district and further that it does not appear to be a hardship of such a nature that looking to the petitioner's own family condition or health condition, he should not be transferred, I do not find any ground for interference.
6. The petition is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge