

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1487 of 2018

V.K. Jain S/o Pooran Chand Jain, Aged About 60 Years R/o D/223, R.M.S.
Colony Tagore Nagar, Pachpedinaka, Raipur, District Raipur, Chhattisgarh.,
District : Raipur, Chhattisgarh **---- Petitioner**

Versus

1. State Of Chhattisgarh Through Secretary, Panchayat And Gramin Vikas
Vibhag Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District
Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya,
Capital Complex, New Raipur, District Raipur, Chhattisgarh., District : Raipur,
Chhattisgarh
3. Janpad Panchayat Tilda District Raipur, Chhattisgarh Through Its Chief
Executive Officer, Janpad Panchayat Tilda District Raipur, Chhattisgarh,
District : Raipur, Chhattisgarh **...Respondents**

For Petitioner	:	Mr. Manoj Paranjpe, Advocate
For State	:	Mr. Chandresh Shrivastava, PL

Hon'ble Shri Justice P. Sam Koshy

Order On Board

21.02.2018

1. This is second round of litigation. Challenge is to the order of transfer dated 20.11.17 whereby the petitioner has been transferred from Janpad Panchayat Tilda, Raipur to Janpad Panchayat, Nawagarh, District Janjgir-Champa and also the rejection of the representation on 17.01.2018 collectively marked as Annexure P/1. The earlier round of litigation was WPS No.6666/2017 which got disposed off on 30.11.2017 where this Court had left open the petitioner to prefer a representation and till the representation was decided, the respondents were directed to maintain status quo. Subsequently, representation now stands rejected on 17.01.2018.

2. The ground of challenge by the petitioner is that very short tenure is left for the petitioner to retire. Moreover, the petitioner is substantively an employee of the Water Resources Department and thus both this aspects should have been kept by the respondents in their mind while deciding representation. It was also contended that the representation has been disposed off in a mechanical manner without giving any

reasons.

3. Be that as it may, the scope of interference by the High Court in exercise of its power under Article 226 of the Constitution of India in a matter of transfer of a Government employee is very limited. In a catena of decision, the Supreme Court as well as various High Courts have held that the transfer order can be interfered only in the event if they are contrary to the Rules or has been issued by incompetent officer. The petitioner has not been able to establish both these aspects.

4. Given the facts moreover so far as the period of retirement is concerned, the transfer policy applicable in the State is a protection only if the period of service left is less than one year, which again is not the case of the petitioner. In these circumstances, this Court does not find any strong case made out calling for interference with two orders under challenge.

5. However, the reluctance of this Court in entertaining the present writ petition would not preclude the petitioner to avail other remedy available.

Sd/-
(P. Sam Koshy)
Judge