

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1451 of 2018

V.K. Ormalia S/o S/o Shri A.R. Bhagat, Aged About 50 Years
Presently Posted As Executive Engineer, Public Health Engineering
Department, Division Surguja At Ambikapur, R/o Vasundhra Vihar,
Godhanpur, Ambikapur, District Surguja, Chhattisgarh., District :
Surguja (Ambikapur), Chhattisgarh

----- Petitioner

Versus

1. The State Of Chhattisgarh Through The Secretary, Public Health
Engineering Department, Mahanadi Bhawan, Naya Raipur, District
Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Under Secretary, Public Health Engineering Department, Mahanadi
Bhawan, Naya Raipur, District Raipur, Chhattisgarh., District :
Raipur, Chhattisgarh
3. Engineer In Chief, Public Health Engineering Department, Indrawati
Bhawan, Naya Raipur And District Raipur, Chhattisgarh., District :
Raipur, Chhattisgarh
4. Chief Engineer, Public Health Engineering Department, Bilaspur
Region At Bilaspur District Bilaspur, Chhattisgarh., District : Bilaspur,
Chhattisgarh
5. Suptd. Engineer, Public Health Engineering Department Circle
Ambikapur, District Surguja, Chhattisgarh., District : Surguja
(Ambikapur), Chhattisgarh
6. Pradeep Xalxo Executive Engineer, Public Health Engineering
Department, Division Ambikapur, District Surguja, Chhattisgarh.,
District : Surguja (Ambikapur), Chhattisgarh

----- Respondents

For Petitioner : Mr. A. K. Prasad, Advocate.

For State : Mr. Majid Ali, Dy. GA

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

23/02/2018

1. This is second round of litigation in the matter of challenge to the

transfer order dated 28-11-2017.

2. Learned counsel for the petitioner submits that earlier the petitioner had challenged the transfer order dated 28-11-2017 before this Court and the writ petition was disposed off vide order dated 07-12-2017 with a direction to consider representation on its own merits.

3. Learned counsel for the petitioner submits that the petitioner had challenged the transfer order on the ground that he was transferred frequently within a period of less than one year. It was also in violation of circular dated 23-03-2017 according to which the transfer from one scheduled area to another scheduled area cannot be done until the reliever comes.

4. Learned counsel for the petitioner further adds more grounds in the second round of litigation by submitting that the petitioner had earlier remain posted in the scheduled area for a very long period, he was not considered for transfer to non-scheduled area. After hearing the learned counsel for the petitioner and going through the contents of the petition, order was earlier passed by this Court. It appears that the petitioner was transferred to another station within a period of one year. The petitioner holds the Office of Executive Engineer. The alleged violation is of the policy of keeping officer at one station for atleast one year. The impugned order shows that the number of officers including the petitioner were transferred from one place to the other including the posting at sensitive areas in the State.

5. The representation of the petitioner had been rejected by taking into consideration the fact that as the petitioner has been transferred from scheduled area to another scheduled area and reliever of the petitioner need not necessarily join before petitioner is relieved.

6. Though, the petitioner has been transferred within a short period. Considering that the petitioner is not a low paid employee but a class one employee who has to discharge sensitive administrative duties and exercise of powers, only on the ground of violation of administrative norms of transfer, in the absence of any acute hardship, I am not inclined to interfere with the impugned order.

7. However, considering that earlier the petitioner had remained posted in scheduled area for long time, in the next transfer season, it will be open for the petitioner to seek his transfer to a non-scheduled area.

8. The ground that, in the absence of reliver, the petitioner could not be relieved is not a material ground to challenge the transfer order as it is only a matter of execution. In any case, in view of the judgement of this Court in the case of **Ms. Manisha Agrawal vs. State of Chhattisgarh and Others, 2015(4) C.G.L.J.182**, this ground does not hold good.

9. Accordingly, the petition is disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge