

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No.4279 of 2017**

- Salma Farooque W/o Shri Sarfaraj Ali, Aged About 36 Years R/o Panchsheel Nagar, Baloda Bazaar- Bhatapara, Police Station And Tehsil Baloda Bazaar, District- Baloda Bazaar- Bhatapara, Chhattisgarh., Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary , Forest Department , Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh., Chhattisgarh
2. Divisional Forest Officer Forest Division, Baloda Bazaar, District- Baloda Bazaar, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
3. D K Sahu Sub Divisional Officer Forest, Kashdol, Forest Division Baloda Bazaar, District- Baloda Bazaar, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

--- Respondents

For Petitioner	:	Shri Prateek Sharma, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, PL
For Respondent No.3	:	Shri Anurag Jha, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****06/04/2018**

Heard.

1. Transfer order dated 14-08-2017 has been challenged by the petitioner mainly on the ground that the petitioner has not completed one year of posting at the present place. According to the transfer policy dated 11-07-2017, normally, tenure of posting would be 1 year and the petitioner has been transferred even before completion of one year of posting. It is submitted that transfer of the petitioner before completion of one year is in violation of the transfer policy. He submits that without any administrative exigency, the petitioner could not be subjected to frequent transfer without completion of one year.
2. On the other hand, learned State counsel submits that the transfer has been made during transfer season and not only the petitioner but number of officers have

also been transferred. He next submits that the petitioner has been transferred on account of administrative exigency and transfer of the petitioner was necessary. According to the learned State counsel, certain projects were going on and for completion of the work as also looking to the administrative exigency, decision was taken to transfer the petitioner.

3. Learned counsel for respondent No.3 would submit that the respondent No.3 has been posted by the order of the State Government and he has submitted his joining and working at the present place of posting.

4. The legal position with regard to scope of interference in the transfer matter is settled in plethora of decisions, which I did not refer. Violation of the transfer policy could not be a ground for interference with the transfer order. However, when there is deviation from the policy, the reasons for such deviation are required to be stated. The State has come out with the reply along with certain documents, in which, it is stated that the administrative exigency required shifting of the petitioner.

5. Learned counsel for the petitioner has stated that the petitioner's work was satisfactory and there was nothing to add any stigma.

6. Without entering upon the issues raised hereinabove, this Court find that the petitioner is continuing at the present place of posting by virtue of interim order, till date, which is more than one year.

7. In the aforesaid view of the matter, at this stage, I am inclined to dispose off the matter with the direction that the petitioner having already continued at the present place of posting for a period more than one year, she may proceed to join at the new place within 15 days. It is made clear that there is no finding of this Court with regard to conduct, performance or failure of the petitioner in the service, but the Court, at this stage, when petitioner has continued for more than one year, would not interfere with the transfer matter.

8. Accordingly, this petition is finally disposed off.

SD/-
(**Manindra Mohan Shrivastava**)
Judge