

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
Writ Appeal No. 228 of 2018

- Ashok Kumar Tiwari S/o Late B. P. Tiwari Aged About 58 Years Presently Posted As Executive Engineer, At Maniyari Water Resources Division Mungeli District Mungeli Chhattisgarh, R/o Behind Bachpan School, Shanti Nagar Bilaspur District Bilaspur Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh Through Secretary Department Of Water Resources, Ministry Mahanadi Bhawan, Naya Raipur , Police Station And Post Office Rakhi District Bilaspur Chhattisgarh.
2. The Joint Secretary, State of Chhattisgarh, Department of Water Resources, Ministry, Mahanadi Bhawan, Naya Raipur, Police Station And Post Office Rakhi, District Bilaspur Chhattisgarh.
3. The Chief Engineer, Hasdeo Kachhar, Water Resources Department Bilaspur District Bilaspur Chhattisgarh.
4. A. K. Yadu, Assistant Engineer, Posted At Office of Chief Engineer, Hasdeo Kachhar, Water Resources Department Bilaspur District Bilaspur Chhattisgarh.

---- Respondents

For Appellant	:	Shri Mateen Siddiqui, Advocate.
For State / Respondent No.1 to 3:	:	Shri U.N.S. Deo, Government Advocate.
For Respondent No.4	:	Shri Praveen Das, Advocate

Hon'ble Thottathil B. Radhakrishnan, Chief Justice

Hon'ble Shri Justice Sharad Kumar Gupta

Order on Board

Per Thottathil B. Radhakrishnan, Chief Justice

03.04.2018

1. We have heard the learned counsel for the Appellant, the learned counsel for the 4th Respondent and the learned Government Advocate extensively on different aspects of this appeal which arises from the decision of the learned Single Judge refusing to interfere with an order of transfer of the Writ Appellant / Writ Petitioner from Maniyari Water Resources Division, Mungeli to the Office of the Superintendent Engineer, Water Resources Division, Bilaspur.

2. The Appellant/Writ Petitioner was working in Mungeli as Executive Engineer. He was transferred as per order dated 27.10.2017 to Bilaspur. The 4th Respondent, who is an Assistant Engineer, was transferred to Mungeli. The plea of the Appellant/Writ Petitioner is that his transfer from Mungeli to Bilaspur is a malafide and colourable exercise of administrative power with the sole and oblique motive of providing opportunity for the 4th Respondent to hold charge of the Office of the Executive Engineer, Mungeli. This is attempted to be buttressed by making reference to the different judicial precedents which have already been referred to by the learned Single Judge in the impugned judgment.
3. There is no vested right in any Government servant to be posted at any particular station. The transfer of the Petitioner from Mungeli to Bilaspur cannot, by itself, be subjected to challenge. There is no allegation of absence of authority in the Joint Secretary, Department of Water Resources, who issued the transfer order. There is no case that the Appellant has been demoted and parked in any lower category. His payscale is not affected by the transfer. The plea is that the transfer of the Appellant is an orchestrated activity with the intention to unduly favour the 4th Respondent, who is only an Assistant Engineer, by creating the avenue to transfer him to Mungeli to be as an Assistant Engineer in the Office of the Executive Engineer; and thereupon, to let him hold charge of the Office of the Executive Engineer.
4. The fact of the matter remains that following the order of transfer, the Appellant was to hand over charge to the senior most Assistant Engineer of Mungeli Division who is Shri Rekh Lal Gautam, Sub Divisional Officer in the Water Resources Sub-Division Pathariya). That gentleman expressed his inability to take over the duties and responsibilities of the Executive Engineer on the ground of his ill health. That was why the 4th Respondent Shri A. K. Yadu was made to hold the charge of the Executive Engineer, as and when the Appellant

was to move out of Mungeli to Bilaspur on transfer. We caution ourselves by reminding that we are dealing with a matter of judicial review of such an administrative action, which is entirely within domain of administrative exigencies, administrative management issues etc.

5. With the aforesaid, we may also notice that Mungeli and Bilaspur are neighbouring districts; Mungeli having been carved out from Bilaspur district. There is no unavoidable extraordinary and exceptional personal issue, projected by the Appellant/Writ Petitioner to the extent which it may persuade the writ Court to take an extraordinary stand in the case in hand.
6. The learned counsel for the Appellant/Writ Petitioner submits that the post of Executive Engineer in Bilaspur is not available for him to join in terms of the transfer order. If an official has been transferred from one place to another, it is necessarily the duty of the transferring authority to ensure that the transferred officer is provided the post to which he has to join. This is purely an administrative matter.
7. For the aforesaid reasons, we see no ground to interfere with the impugned judgment of the learned Single Judge, which is a well reasoned one. The writ appeal, therefore, fails.
8. In the result, this writ appeal is dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge