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HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.S. NO. 4080 OF 2018

Shanker Bhola Mandavi, S/o Late Hanuman Singh Mandavi, aged 52 years, R/o Aama Para, near Shiv Temple, District Kanker (CG)

… Petitioner

versus

1. State Of Chhattisgarh Through The Secretary, Department Of Agriculture, Mantralaya, Mahanadi Bhawan, Raipur, Chhattisgarh.
2. Chhattisgarh Krishi Vipanan Board, Through Its Managing Director, Beej Bhawan, Chhattisgarh, Hotel, Ravigram, Telibandha, Post- Telibandha, P. S. Raipur, District Raipur, Chhattisgarh.
3. The Managing Director, Chhattisgarh Krishi Vipanan Board, Beej Bhawan, Chhattisgarh Hotel, Ravigram, Telibandha, Post Telibandha, P. S. Raipur, District Raipur, Chhattisgarh.
4. The Additional Managing Director, Chhattisgarh, Krishi Vipanan Board, Beej Bhawan, Chhattisgarh Hotel, Ravigram, Telibandha, Post Telibandha, P.S. Raipur, District Raipur, Chhattisgarh.
5. Balkeshwar Prasad Sinha, S/o Shri Rameshwar Das Sinha, Occupation- Service, Working As Accountant At Krishi Upaj Mandi Samiti, Nagri, District- Dhamtari, Chhattisgarh.

… Respondents

For Petitioner	:	Mr. Parag Kotecha, Advocate.
For Respondent 1	:	Mr. S.P. Kale, Dy. Advocate General.
For Respondents 2 to 4	:	Mr. Animesh Tiwari, Advocate.
For Respondent 5	:	Mr. Yogesh Pandey, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06/09/2018

1. Challenge in the present writ petition is to the order dated 12.6.2018, Annexure P-1, whereby the services of the petitioner have been transferred from Dhamtari to Kondagaon.

2. Challenge to the impugned order is on the ground that the impugned order primarily has been passed to accommodate the respondent no.5 who has been brought in place where the petitioner is working. The second ground is that the respondent no.5 is otherwise a tainted officer with lot of allegations and complaints pending consideration before the authorities concerned. Thirdly, it was alleged that it is a case where the respondent no.5 initially had refused promotion which was offered to him on 18.4.2017 and in less than six months' time he was again reconsidered for promotion and was

granted posting at Abhanpur and within a short span of time of one year, he is again being given a choice posting disturbing the petitioner.

3. All these ground which have been raised are not sufficient enough for invoking the power of judicial review under Article 226 of the Constitution of India. These are facts which have to be raised by the petitioner by way of representation before the employer concerned who in turn would be required to scrutinize, consider and decide the same.

4. The law so far as transfer is concerned, it is by now well settled that unless the same has been passed in contravention to any of the statutory rule position or has been issued in spite of prohibition of transfer under the service rules, the Courts under Article 226 of the Constitution of India would not substitute itself as an authority of the department to scrutinize the veracity of a transfer order.

5. Accordingly, the writ petition stands disposed of with a direction that if the petitioner has till date note made a representation to the authorities he shall be at liberty to approach the employer by filing a detailed representation against the order of transfer ventilating his grievances and the authorities concerned are expected to decide the same in accordance with the service rules or the regulations governing the field at the earliest.

6. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

/sharad/