

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.4863 OF 2018**

1. Darasram Sahu S/o Shri Jagat Ram Sahu, Aged About 56 Years (Revenue Inspector) R/o Village Bodsara, Tahsil And PS Janjgir District Janjgir Champa Chhattisgarh.

...Petitioner(s)**Versus**

1. State of Chhattisgarh Through Secretary, Revenue And Disaster (Apda) Management Department Mahanadi Bhawan New Raipur, District Raipur Chhattisgarh.
2. State Of Chhattisgarh Through Secretary, General Administration Department Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh.
3. The Commissioner Bilaspur, District Bilaspur Chhattisgarh.
4. The Collector, Janjgir Champa, District Janjgir Champa Chhattisgarh.
5. The Tahsildar Pamgarh, District Janjgir Champa Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Dheerendra Pandey, Advocate.
For Respondent-State	:	Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****14.08.2018**

1. Challenge in this petition is to the order dated 09.04.2018 (Annexure P/1) whereby the petitioner has been posted from the office of Land Records Janjgir Champa to Malkharoda and posted as Revenue Inspector, District Janjgir Champa (CG).
2. The ground of challenge by the petitioner is that the petitioner has been frequently transferred from one place to other and present is the 6th transfer within a period of three years and therefore the same should be interfered with by this court by way of issuance of a suitable writ.
3. The State counsel however referring to the orders submits that the petitioner has not been subjected to frequent transfer. It is only a periodic distribution of work which has been done by different orders and since the nature of work discharged by the petitioner was such where the administrative exigency requires the services of the petitioner to be posted

at different locations and the same cannot be construed to be an order of transfer. The State counsel further submits that order under challenge would reveal that the petitioner has been posted within the same district and distance from one place to another is not much and therefore prays for dismissal of the writ petition.

4. Having considered the rival contentions put forth on either side and on perusal of records, true it is that the scope of judicial interference in a transfer petition has been well settled in catena of decisions wherein it has been repeatedly held by the Supreme Court that transfer and posting is for the administrative exigency of service and if a person employed with the government sector or for that matter in a private sector, unless the rules and conditions of service prohibits transfer being made, the employer has every right for transfer and posting of a person from one place to another on administrative exigency that may arise from time to time.
5. Since the petitioner has been working in the revenue department of the State and that the nature of duty casted upon the petitioner was such where under the administrative exigency requires frequent change of place of posting. What also cannot be lost sight of is the fact that all these change of place of posting is within the same district and distance also is not much from one place to another.
6. Even otherwise, the law is well settled that it is always the prerogative of the State to decide the place of posting of an employee and the only remedy or the recourse available to the employee is that of making a suitable representation to the employer. In the instant case the petitioner did make a representation on 12.04.2018 and the same already stands rejected on 13.06.2018 as such the said right of the petitioner also stands exhausted. Further, the State counsel at this juncture submits that the

petitioner in due course of time has also joined the place of posting at Malkhoaroda on 12.06.2018. Thus, under the circumstances, nothing further remains to be decided in this petition.

7. Thus, the petition being devoid of merit deserves to be and accordingly stands dismissed.

Sd/-
(P. Sam Koshy
Judge