

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5002 of 2018**

Chetan Sahu S/o Shri Makhan Sahu Aged About 43 Years Posted As A.S.I. At P.S. Jangla, District Bijapur Chhattisgarh, Permanent R/o Shanti Nagar, Near Forest Colony Kanker, P.S. Kanker, District Kanker Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Home, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh
2. Director General Of Police, Police Head Quarter New Raipur, District Raipur Chhattisgarh
3. Inspector General Of Police Baster Range, Lalbagh Jagdalpur, District Jagdalpur Chhattisgarh
4. Superintendent Of Police, Bijapur, District Bijapur Chhattisgarh
5. Superintendent Of Police Uttar Bastar Kanker, District Kanker Chhattisgarh

---- Respondents

For Petitioner	:	Shri F. S. Khare, Advocate
For State	:	Shri Majid Ali, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****07.08.2018**

Present writ petition has been filed assailing the order Annexure P-17 whereby the representation made by the petitioner pursuant to a direction given by this Court in WPS No. 7321 of 2018 stands rejected.

2. Grievance of the petitioner is that the petitioner was posted as an ASI at PS Jangla, District Bijapur and that he had moved an appropriate application before the authority concerned for transferring him to the place

where the spouse of the petitioner is working i.e. at Kanker or in the alternative he had sought for a place of posting at either Raipur or Rajnandgaon. The ground for making the request for transfer was the ill health of the petitioner where he is alleged to be suffering from ailment of slip disc.

3. Perusal of the impugned order Annexure P-17 would reveal that the authority concerned in fact has duly considered the representation of the petitioner and given an assurance that at a later stage subject to the availability of vacancy, the petitioner would be considered for posting as per his request.

4. So far as the posting and transfer is concerned, it is settled position of law that the High Court in exercise of its power under Article 226 of the Constitution of India would not be in a position to direct the respondents to decide the place of posting at a particular place neither would the High Court substitute itself as an administrative officer so far as deciding of the place of posting of the petitioner is concerned. It is exclusively within the realm and power conferred upon the employer to decide as to which person has to be posted at which place and at what point of time and also the tenure of his posting.

5. In the instant case, the petitioner on an earlier occasion did file a writ petition before this Court and the only solace which the petitioner could get was to make a representation to the respondent authorities and who in turn would decide the same. The representation made by the petitioner has in fact been duly considered and decided.

6. A plain perusal of the impugned order would also reveal that it is not a case where the representation has been fully rejected by the

respondents. It is a case where there is still a chance where the respondents at an appropriate stage may consider the posting of the petitioner as per his choice.

7. Given the said facts and circumstances of the case, this Court does not find any strong case made out for interference with the impugned order Annexure P-17. The Writ petition accordingly stands dismissed. However, the petitioner would be at liberty to pursue his remedy available on the administrative side by approaching the authorities in the Department.

**Sd/-
P. Sam Koshy
Judge**