

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5239 of 2018**

Gajpati Nayak S/o B. L. Nayak, aged about 58 years, R/o HIG, B-3,
Housing Board Complex, Opposite New Bus Stand Durg, Tehsil and
District Durg, Chhattisgarh **---- Petitioner**

Versus

1. State of Chhattisgarh through – Secretary, Department of Revenue and Disaster Management, Mahanadi Bhawan and Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. Deputy Secretary, Department of Revenue and Disaster Management, Mahanadi Bhawan and Mantralaya Naya Raipur, District Raipur, Chhattisgarh
3. Collector, Durg, District Durg, Chhattisgarh

---- Respondents

For Petitioner	:	Shri R. K. Gomasta and Shri C. K. Sahu, Advocates
For State	:	Shri Ratan Pusty, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****21.08.2018**

Challenge in the present writ petition is to the order Annexure P-1 dated 31.07.2018 whereby the services of the petitioner have been transferred from Durg to Dantewada.

2. Counsel for the petitioner assails the order of transfer on the ground that the same is in violation to the transfer policy. He submits that the petitioner has got only 3-4 years of service left for retirement and therefore, at this stage, it could not be proper posting him at a sensitive schedule area. In the past, the petitioner had already worked for a considerable

period at Dantewada as well as Bijapur, both of which have been sensitive and schedule areas and therefore, he could not have been again sent to the same place. He further submits that the petitioner has been posted at Durg only for about 2 years time now. In addition, the petitioner has also raised the ground of not keeping good health etc. while assailing the impugned order.

3. All these grounds which the petitioner has raised are the matter which cannot be looked into by the High Court in exercise of its power of judicial review under Article 226 of the Constitution of India. The law as regards transfer is by now well settled legal position where interference would be only in the event the service condition prohibits transfer or the order of transfer has been made with malafide intention. For all other factors which the petitioner is raising the remedy available to the petitioner is for making a suitable representation to the authorities concerned and which the respondents are supposed to decide objectively considering the merits of case.

4. This Court, therefore, does not find any strong case made out by the petitioner for interfering with the impugned order. However, the petitioner would have the liberty of moving a detail representation ventilating his grievances with the respondents on administrative side and on such representation being made, the respondents are directed to consider and decide the same objectively at the earliest.

5. With the aforesaid direction, the writ petition stands disposed of.

Sd/-

**P. Sam Koshy
Judge**