

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5318 of 2018**

Smt. Priyanka Dewangan W/o J. K. Dewangan, Aged About 45 Years, Presently Posted as Naib Tahsildar, Tahsil Dongargaon District- Rajnandgaon, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through- Secretary Revenue and Disaster Management, Mahanadi Bhawan, Raipur, Chhattisgarh
2. The Collector Rajnandgaon, Chhattisgarh

---- Respondents

For Petitioner	:	Shri T. K. Jha, Advocate
For State	:	Shri Majid Ali, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****20.08.2018**

The grievance of the petitioner in the present writ petition is the issuance of Annexure P-1 dated 31.07.2018 whereby the service of the petitioner working on the post of Naib Tahsildar has been transferred by the State Govt. from District Rajnandgaon to District Kanker.

2. Counsel for the petitioner submits that the petitioner in between has been subjected to frequent transfer and the impugned order of transfer therefore is liable to be interfered by this Court under Judicial review under Article 226 of the Constitution of India.

3. Perusal of the record would show that though there have been lot of orders passed in between changing the place of posting of the petitioner,

those change of posting were all within a short distance and within District Rajnandgaon itself. Those were not in fact order of transfer but only change of posting which was carried out on the administrative exigency by the Collector and the present order has been passed by the State Govt. wherein she has been transferred from District Rajnandgaon to District Kanker.

4. The law so far as the scope of interference by the High Courts under Article 226 of the Constitution of India in transfer matters is concerned is by now well settled. It has been repeatedly held by the Supreme Court in a series of decisions as also by this Court that transfer is an incident to service and the only ground for interference would be in the event if the conditions to service prohibit transfer or that the order of transfer has been issued with malafide intention. In the instant case, there is no allegation of any malafide on the part of the Collector for having made frequent order of transfer. Moreover, perusal of the record would show that most of the orders of change of posting have not been acted upon except for a couple of them which too were within a short distance.

5. Thus, this court does not find any strong material available calling for an interference with the impugned order. The Supreme Court in its judgments has repeatedly held that the only remedy available under such circumstances to an employee is to make a representation to the employer for ventilating his/her grievances if any on the issuance of the order of transfer. The petitioner in the instant case has made a couple of representations which are collectively annexed as Annexure P-12 with the present writ petition and those are still pending consideration before the authorities concerned. Thus, the present writ petition stands disposed of

with a direction to the respondents to ensure that the representation so made by the petitioner is decided at the earliest.

6. With the aforesaid observation, the writ petition stands dismissed.

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