

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 6728 of 2018

Vijay Kumar Choudhary S/o Shri R. L. Choudhary, Aged About 38 Years, R/o Kotra Road, Near Dashrath Panthella, Raigarh Police Station City Kotwali, Tahsil And District Raigarh, Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through Its Secretary, Department Of Police Secretariat, Mahanandi Bhawan, P. S. And Post Rakhi, Atal Nagar, Raipur, District Raipur, Chhattisgarh.
2. Principal Secretary, Election Commission Of India, Nirvachan Sadan Ashoka Road, New Delhi.
3. Director General Of Police (Dgp), Police Headquarter (Phq), Near Mahanadi Bhawan, P. S. And Post Rakhi, Atal Nagar, Raipur, District Raipur, Chhattisgarh.
4. Inspector General Of Police (Igp), Office Of Inspector General Of Police (Igp), Behind Nagar Nigam Office, Bilaspur, District Bilaspur, Chhattisgarh.
5. Superintendent Of Police (Sp), Office Of Superintendent Of Police (Sp), Janjgir Champa, District Janjgir Champa, Chhattisgarh.

---Respondents

For petitioner	:	Shri Abhishek Pandey, Advocate.
For State	:	Shri Rajeev Shrivastava, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

03/12/2018

1. The challenge in the present Writ Petition is to the order Annexure-P/2 whereby the petitioner has been transferred from District Janjgir to District Bijapur.
2. The challenge is on the ground that, the wife of the petitioner also has been in Government Employment and is working as a Shiksha Karmi and is

presently posted at District Raigarh. He further has taken the ground of the illness of his daughter.

3. The counsel for the petitioner submits that, the petitioner has already made a representation which the authorities concerned have till date not decided and thus prayed for interfering with the impugned order.

4. Perusal of record would show that, the petitioner has been at the present place of posting i.e. at Janjgir-Champa since January-2016 onwards. That itself shows that the petitioner has remained at present place of posting for a period of about 2 ½ years and thereafter if an order of transfer is made, the same cannot be said to be contrary to the transfer policy of the State Government.

5. So far as the other inconveniences which the petitioner has raised in the petition, the same are not strong enough to interfere with the impugned order of transfer under the scope of judicial review by the High Court in exercise of its power under Article 226 of the Constitution of India.

6. It is settled position of law that, a transfer of an employee whose services are transferable, is incidental to service.

7. The Hon'ble Supreme Court as well as this High Court has in numerous cases laid down the ratio that an order of transfer can be interfered only when the same is contrary to the service rules governing the field or where the same is by an officer who is incompetent or has been issued with malafides.

8. In the present case, no such ground has been raised by the petitioner.

9. Thus, this Court does not find any strong case made out by the counsel for the petitioner calling for an interference with the impugned order.

10. However, it is left for the respondents to decide the representation which the petitioner has made ventilating his grievances against the order of transfer.

11. The Writ Petition accordingly stands dismissed.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit