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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 7072 of 2018**

Vishnu Singh Thakur S/o Late Shri Amar Singh Thakur, Aged About 61 Years, Posted As Superintendent (Land Recorded), Collectorate Office, Raipur, District Raipur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Revenue And Disaster Management Department, Mantralaya Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur, District Raipur Chhattisgarh
2. Under Secretary, State Of Chhattisgarh, Revenue And Disaster Management Department, Mantralaya Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh
3. Deputy Secretary, State Of Chhattisgarh, Revenue And Disaster Management Department, Mantralaya Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur, Chhattisgarh
4. Director Land Record, Chhattisgarh Bhawan, Mantralaya Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh
5. Collector, Raipur, District Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Raghvendra Pradhan, Advocate
For State	:	Shri Majid Ali, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****26.10.2018**

Present is a second round of litigation. First round of litigation was vide WPS No. 5069/2018 which got disposed of on 08.08.2018 directing the

respondents to consider the representation of the petitioner and till the representation was decided, the petitioner was granted an interim protection.

2. The respondents have decided the representation vide order dated 06.10.2018 and have rejected the same. It is this subsequent order which is under challenge in the present writ petition.

3. The sole ground which the petitioner has raised is that the respondents while deciding the representation has not considered the ground which he had raised in his representation and the order is not a reasoned order though this Court had specifically directed that the respondents would consider the representation objectively.

4. Perusal of the record would show that the petitioner had been working at Raipur for a pretty long time and the petitioner was promoted on the post of Assistant Superintendent (Land Record) in the year 2016 and he was also posted at Raipur. Keeping this fact into consideration that the petitioner has remained at the present place of posting for quite sometime, following the instruction of the Election Commission of India, the respondents have issued the order of transfer. The respondents while rejecting the representation also has taken the same view that since the order of transfer has been made as per the instruction of the Election Commission of India, the same cannot be interfered with.

5. Given the aforesaid factual matrix of the case and the reasons assigned by the State Govt. this Court is of the firm opinion that once when the respondents have taken the said view on the representation so made by the petitioner, this Court would not in exercise of its power under Article 226 of the Constitution of India substitute itself as an appellate body over a

decision taken by the State Govt.

6. The law so far as transfer is concerned, it is by now well settled. It has been reiterated in a catena of decisions that so far as transfer, posting and the tenure is concerned, it is within the domain and exclusive power of the respondents or the employer as the case may be. The Court in its usual course could not interfere with the transfer order unless the same is either in violation of the service conditions or detrimental to the interest of the petitioner.

7. In the instant case, no such ground has been raised except for the fact that the petitioner has got a very short period of time left for his retirement. The said aspect would be taken care of by the respondents even at the transferred place of posting. The transfer policy gives protection to only those employees who have got less than one year of service left.

8. This Court does not find any strong case made out for interfering with the impugned order dated 06.10.2018 Annexure P-2 and the writ petition being devoid of merit fails and is accordingly dismissed.

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