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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 7494 of 2018**

Manoj Joshi S/o Chandra Kant Joshi, Aged About 55 Years, Posted As- Asstt. Superintendent Of Land Record, At- Regional Deputy Commissioner, Land Record, Raipur, Division, Raipur, R/o 220, Sunder Nagar, Raipur, District- Raipur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through- Its Secretary, Department Of Revenue And Disaster Management, Mantralaya, Mahanadi Bhawan, Naya Raipur, Chhattisgarh
2. The Director, Land Records, Chhattisgarh, H.Q.- Indrawati Bhawan, Naya Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri R. K. Kesharwani, Advocate
For State	:	Shri D. Wankhede, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****14.11.2018**

The challenge in the present writ petition is to the order dated 29.09.2018 whereby the representation against the order of transfer has been rejected.

2. The present is a second round of litigation. The first round of litigation was WPS No. 5092/2018 which was decided on 21.08.2018. While deciding the said writ petition, the only relief which this Court had granted was for the petitioner to make a representation to the respondents ventilating his grievances against the order of transfer. The petitioner vide

order dated 31.07.2018 was transferred from Raipur to Korea.

3. The contention of the counsel for the petitioner in the present writ petition is that the impugned order of rejection of the representation was without application of mind and that there is no reasons specifically assigned by the respondents except for an omnibus statement of the order being passed as per the guidelines framed by the Election Commission of India.

4. Given the facts and circumstances of the case, the very fact that this Court at the first instance had not granted any interim protection to the petitioner and the writ petition itself was withdrawn with liberty to approach the authority for ventilating his grievances would establish that this Court was not inclined to entertain the writ petition at the first instance.

5. So far as the personal grievance and difficulty which an employee would incur in the event of transfer is concerned, the law is by now well settled that the only option available to the employee is for approaching the employer by making a suitable representation which the employer may consider. It is also settled position of law that so far as transfer is concerned, under the service jurisprudence it has been reiterated by the Supreme Court in a catena of decisions that it is exclusively within the domain of the employer to decide when, where and for what duration an employee has to be deputed at a particular place. Transfer is always an incident of service. The personal inconvenience or difficulties which an employee would face would never come to his rescue to avoid a transfer particularly when the post which the petitioner or the employee holding is a transferable post. What is more important to consider is the fact that in exercise of its power under Article 226 of the Constitution of India this court

would find it difficult to sit as an appellate authority or as an administrative body over the decision of the State Govt. while rejecting the representation made by the petitioner.

6. Given the said facts, this Court does not find any strong case made out by the petitioner to interfere with the impugned order. The writ petition accordingly stands dismissed.

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