

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 97 of 2019**

Atul Choudhary S/o Shri J. P. Choudhary, Aged About 26 Years,
R/o Gali No. 2, Dayalband, Bilaspur, Tahsil And District- Bilaspur,
Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Energy, Mahanadi Bhavan Mantralaya, Atal Nagar, Naya Raipur, District- Raipur, Chhattisgarh
2. General Manager, Chhattisgarh State Power Distribution Company Limited, Raipur, Chhattisgarh
3. Executive Director (Operation And Maintenance) Chhattisgarh State Power Distribution Company Limited, Raipur, Chhattisgarh
4. Executive Director (R.C.R.) Chhattisgarh State Power Distribution Company Limited, Raipur, Chhattisgarh
5. Chief Engineer, Raipur City Region, Chhattisgarh State Power Distribution Company Limited, Raipur, Chhattisgarh
6. The Superintending Engineer (City) Circle-II, CSPDCL Raipur, District- Raipur, Chhattisgarh
7. Executive Engineer (City North)/(Scada/DMS) Dn. CSPDCL Raipur, District- Raipur, Chhattisgarh
8. Assistant Engineer, Sub Division Ratanpur, Chhattisgarh State Power Distribution Company Limited, Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Kishore Narayan, Advocate
For State	:	Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****09/01/2019**

1. The present writ petition has been filed challenging the order dated 24.12.2018 passed by the respondents whereby the petitioner has been transferred from the office of Executive Engineer (SCADA/DMS) Raipur to Gudhiyari Zone City (North) Dn. Raipur.
2. The facts relevant for adjudication of the present writ petition are that the petitioner herein was appointed as a Junior Engineer in 2015. At the time of appointment, he was posted at Belgahna Distribution Center, Pendra Road Division under respondents 2 to 8. The petitioner continued to work at the said place till 26.09.2018 when he was transferred at his own request Annexure P-1 from Belgahna to SCADA, Raipur. Because of the on going assembly election, the petitioner could be relieved only on 14.12.2018 and he joined at SCADA, Raipur on 17.12.2018. The petitioner had also undertaken certain training that was required for discharging his duties at SCADA, Raipur. However, vide the impugned order Annexure P-5 dated 24.12.2018 abruptly the services of the petitioner have been transferred from O/o E.E. (SCADA/DMS) Raipur to Gudhiyari Zone City (North) Dn. Raipur.
3. This Court taking into consideration the place of posting given to the petitioner vide the impugned order is reluctant to entertain the writ petition as the petitioner has been transferred from one office at Raipur to another office at Raipur i.e. within the same city. The petitioner as such would not put to any inconvenience in as much as he is not required for change of residence. Further, there is no curtailment of any of the emoluments or benefits which the petitioner was drawing while discharging his duties of a Junior Engineer except for the place of posting which again happens to be

within the same city. Thus, there does not appear to be any change in service conditions or the benefit which the petitioner is entitled for.

4. So far as transfer is concerned, by now it is well settled that it is always the prerogative of the employer to decide the place of posting and tenure of posting. The Writ Court in exercise of its power under Article 226 of the Constitution of India is not supposed to interfere with such order of transfer as a matter of routine. The petitioner has not been able to show any malafide on the part of the respondents in the issuance of the impugned order neither is it a case of the petitioner that the order of transfer has been issued contrary to the service conditions or in violation of any of the policies of the department so far as transfer is concerned.
5. For the aforesaid reasons, this Court does not find any strong case made out for interfering with the impugned order. The writ petition being devoid of merit deserves to be and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge