

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1186 of 2019**

Rajendra Kumar Patre S/o Shri Titara Patre Aged About 38 Years
Working As Chief Municipal Officer In The Government Of Chhattisgarh,
Presently Posted At Nagar Palika Akaltara, District Janjgir-Champa,
Permanent Resident Of Bazar Para Kargi Road, Kota, Tehsil Kota,
District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Urban Administration And Development, Mananadi Bhawan, Atal Nagar, Raipur, Chhattisgarh.- 492002., District : Raipur, Chhattisgarh
2. State Of Chhattisgarh Through Upper Secretary, Department Of Urban Administration And Development, Mahanadi Bhawan, Atal Nagar, Raipur, Chhattisgarh. 492002., District : Raipur, Chhattisgarh
3. Shri Hardayal Ratre Working As In-Charge Cmo Nagar Panchayat Lavan, Holding The Post Of Revenue Sub Inspector Lavan, District- Baloda Bazar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Aman Tamboli, on behalf of Mr. Dhiraj Wankhede, Advocates
For State	:	Mr. Rahul Mishra, GA
For Respondent No. 3	:	Mr. Sanjay Patel, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****20/02/2019**

1. The challenge in the present writ petition is to the order of transfer dated 14/02/2019 whereby the petitioner has been transferred from post of

Chief Municipal Council, Akaltara to the Nagar Panchayat, Saragaon, District Janjgir.

2. Ground of challenge raised by the petitioner is that firstly the petitioner has been subjected to frequent transfer secondly the petitioner is being sent to the Nagar Panchayat, Saragaon where the post of CMO Class B is not available rather it is a station where CMO Class-C is to be posted. The third ground of the petitioner is that respondent No. 3 who is replacing the petitioner does not fulfil the requisite eligibility criteria for being either promoted on the post of CMO or nor is he eligible to be handed over the charge of CMO.
3. This Court after perusal of the record finds that the distance between the two place where the petitioner is presently posted to the place where he has been shifted vide (Annexure P-1) is just about 40 kilometers. The same as such would not cause much disturbance to the petitioner in any manner. So far as the petitioner being Class-B CMO and he being sent at a station which is otherwise to be held by the CMO Class-C is concerned, this Court is of the opinion that on administrative exigency at times, such decisions have to be taken but the only protection which the petitioner would be entitled is that though he has being posted at an station which is otherwise to be held by the Class-C category CMO, the petitioner cannot be denied all his entitlement attached to the post and which he is otherwise receiving as on date at the present place of posting. The third ground which the petitioner has raised so far as the person who is replacing the petitioner is not competent or eligible, same may not be a strong ground, as ,by the said action on the part of the respondents none

of the right of the petitioner is adversely affected nor is his service conditions infringed for, this Court to take cognizance of such matter. As far as the question of frequent transfer is concerned it appears that the petitioner was posted at Tilda prior to 21/08/2017. The petitioner was transferred vide order dated 29/08/2018 from Tilda to Mungeli and the order subsequently stood modified to the extent that the place of posting was changed from Mungeli to Akaltara vide order dated 11/09/2018 which the petitioner immediately acted upon and joined and thereafter the impugned order now has been passed. The said transfer orders referred to in the preceding paragraphs would definitely show that the petitioner has been subjected to frequent transfers, however, this Court is not inclined to entertain the writ petition at this juncture only on the ground that the distance between the present place of posting and the transferred place of posting given in the impugned order being too short a distance calling for an interference by the High Court.

4. In view of the aforesaid facts and circumstances of the case, this Court does not find any strong case made out for interference with the impugned order. However, it is made clear that respondent authorities should ensure that the petitioner service conditions is not in any manner adversely affected on his being posted at a place which otherwise has to be held by the CMO of Class-C category.
5. The writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge