

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.2753 OF 2019**

1. Shiv Prasad Behera S/o Late Shri Murlidhar Behera Aged About 52 Years Presently Posted As Assistant Labour, Food Corporation Of India (FCI) FSD Neora, District Raipur Chhattisgarh.

...Petitioner(s)**Versus**

1. Food Corporation Of India Through Chairman And Managing Director, Food Corporation Of India (Fci), Fci Headquarters, 16-20, Barakhamba Lane, New Delhi. Pin Code 110001., District : New Delhi, Delhi
2. General Manager (Region) Food Corporation Of India (Fci), Regional Office, Vidhansabha Road, Post - Pandri, Kapa, Raipur, District Raipur Chhattisgarh. Pin Code 492005., District : Raipur, Chhattisgarh
3. Regional Manager (IR-L), Food Corporation Of India (FCI), District Office, Vidhansabha Road, Post - Pandri, Kapa, Raipur, District Raipur, Chhattisgarh. Pin Code - 492005., District : Raipur, Chhattisgarh
4. Manager (IR-L) Food Corporation Of India (FCI), District Office, Vidhansabha Road, Post - Pandri, Kapa Raipur, District Raipur Chhattisgarh. Pin Code 492005., District : Raipur, Chhattisgarh
5. Manager (Depot) Food Corporation Of India (FCI), Fsd Neora, Tehsil Neora, District Raipur Chhattisgarh. Pin Code 493114.

... Respondent(s)

For Petitioner	:	Shri K Rohan, Advocate.
For Respondents	:	Shri RS Patel, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****11.04.2019**

1. The challenge in the writ petition is to the order Annexure (P-1) dated 8/12-02-2019. vide the impugned order the petitioner has been transferred by the Food Corporation of India from FSD, Neora to FSD, Manmad.
2. This Court in a bunch of writ petitions have already decided the veracity of the issuance of the order of transfer vide order dated 12/03/2019 passed in WPS No. 1712/2019 and other analogues writ petitions. This Court had in the said petitions challenging the same order of transfer disposed off bunch of writ petitions only giving liberty to the petitioners therein of making a representation to the authorities as regards change of place of posting, if they have any personal inconveniences.
3. In the instant case the petitioner in addition has taken a ground that the impugned order has been passed firstly by an incompetent authority. Secondly, there does not appear to be any case of extreme exigency made out by the respondents for transferring the petitioner from Neora to Manmad, Maharashtra. So far as the competency of the officer is

concerned, there is no dispute that the place where the petitioner has been posted and where the petitioner is presently posted fall within the same zone i.e. West Zone, Mumbai. Moreover, the impugned order Annexure (P-1) has been passed by the local unit at the instance of an order passed by the Zonal office dated 07/02/2019. The order dated 07/02/2019 appears to have been passed by the competent authority under the respondents. So far as the availability of a extreme exigency is concerned, this Court had already taken note of the fact that issuance of order of transfer has been passed pursuant to the judgment passed by Nagpur Bench of Bombay High Court in PIL No. 84/2014 wherein the Bombay High Court had clearly held that where the persons are being paid salary sitting idle, the department should ensure that they are transferred to a place where there is availability of work so as to avoid payment of salary for workers sitting idle.

4. Given the said facts, this Court is of the opinion that order of transfer seems to have been passed firstly in the compliance to the order of Bombay High Court and secondly for the reason that respondent did not have work for the petitioner for which they had been substantively engaged.
5. Given the aforesaid facts coupled with the fact that this Court already vide its earlier decision dated 12/03/2019 in an identical set of facts have disposed off the writ petition, the present writ petition also deserves to be disposed off in similar terms. The petitioner would have the same liberty of making representation to the authorities concerned, in case, if there are personal inconveniences for the petitioner to comply with the order of transfer or after complying with the order as the case may be which if made are to be decided by the competent authority judiciously.
6. With the aforesaid directions, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge