

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 260 of 2019**

Ishwari Prasad Kashyap S/o Late Shri Chhabi Ram Kashyap Aged About 52 Years Presently Working, As Panchayat Secretary R/o Village - Masani, Post Office - Kotari, Tahsil - Lormi, Civil And Revenue District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh

---- Appellant**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Chief Executive Officer Zila Panchayat, Mungeli, District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh
3. Chief Executive Officer Janpad Panchayat, Lormi, District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh
4. Smt. Premlata Kashyap Panchayat Secretary, Attached To Janpad Panchayat Lormi, District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh

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For Appellant	:	Shri Devesh G. Kela, Advocate
For State/respondent	:	Shri Gagan Tiwari, Dy. G.A.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice**Hon'ble Shri Manindra Mohan Shrivastava, Judge****Order On Board****14/05/2019**

1. Transfer of the appellant from Gram Panchayat Masana to Gram Panchayat Mohtatakurmi as per order dated 08.03.2019, which was declined to be interfered with by the learned Single Judge, by dismissing the writ petition, is sought to be interdicted by this Court in this appeal.
2. Heard the learned counsel for the appellant as well as the learned counsel

representing the State.

3. There is no dispute with regard to the sequence of grievance. The appellant was holding a post of 'Panchayatkarmi' and was posted at Masana as per order dated 02.05.2005. Thereafter, he came to be transferred to Lachhanpur and from Lachhanpur to Rabeli and thereafter, back to Masana. While so, a proposal was sent to the second respondent by the third respondent to effect transfer of Panchayat Secretaries of Janpad Panchayat, Lormi and an order was passed by the second respondent in this regard on 02/03/2019. The third respondent subsequently passed the impugned order, whereby the appellant was transferred from Masana Gram Panchayat to Mohtatakurmi Gram Panchayat on 08/03/2019, allegedly without any recommendation in this regard. This made the appellant to feel aggrieved, who sought to challenge the order produced as Annexure P/6 before the learned Single Judge. In the course of hearing, learned Single Judge observed that the appellant was holding the post for different spells in Masana; firstly between 2005 and 2009 and thereafter, from 2015 till the date of passing the impugned order dated 08/03/2019. The appellant had already worked for nearly 9 years in the place in question and as such, it was held that nothing wrong on the part of the respondents in transferring the appellant from Masana, after having completed four years. It was found as not a fit case to call for interference and this led to dismissal of the writ petition.

4. The learned counsel for the appellant submits that there was no need to transfer the appellant as it was never proposed by any respondent. We fail to understand, how such a contention could be raised by the appellant so far the appellant is holding a transferable post and does not have any vested right to continue at a particular place forever and transfer is an incident of service. The appellant was admittedly continuing at Masana for more than four years and no transfer norms are violated. He could have been transferred to appropriate place by the departmental authorities and this alone has happened as per the order under challenge. It is also relevant to note that there is no pleading as to the 'malafides', if any, on the part of the respondents to have

transferred the appellant. There is no case that the appellant was shifted, so as to give any undue benefit to anybody of the choice of the respondents. It has been made clear many a time, by the Apex Court, that the scope of interference with transfer is very limited. In the absence of any plea of malafides and in the absence of any material produced pointing out any violation of law, we are of the firm view that the appeal is devoid of merits. There is no ground to interfere with the verdict passed by the learned Single Judge, more so when there is no case that the authority who issued the order does not have the power, jurisdiction or competence. This appeal stands dismissed.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Manindra Mohan Shrivastava)
Judge