

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.6593 OF 2019**

Daloo Ram Darro S/o Shri Raghunath Darro Aged About 58 Years R/o Quarter No. F/1, Irrigation Colony, Barpali, Korba Chhattisgarh.

...Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Department Of Water Resources, Mantralaya, Mahanadi Bhawan, Atal Nagar, Police Station Rakhi, New Raipur, District Raipur Chhattisgarh.
2. Shri Vijay Jamnik, Assistant Engineer, Posted In the Office of Executive Engineer, Water Resources Division, Balrampur Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Rahul Tamaskar, Advocate.
For Respondent-State	:	Shri Ayaz Naved, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

28.08.2019

1. Challenge in the present Writ Petition is to the order dated 09.08.2019 whereby the petitioner has been transferred from Jashpur to Balrampur.
2. The grievance of the petitioner seems to be more on the persons who is replacing the petitioner. According to the petitioner, the reliever to the petitioner i.e. respondent No.2 whose name appears at serial number 14 in the impugned order dated 09.08.2019 is substantively an Assistant Engineer and is being sent as Executive Engineer which is contrary to Clause-2.14 of the Transfer Policy of the State. Further, the impugned order has been passed only to accommodate the respondent No.2. Therefore, the impugned order is bad in law.
3. Both the grounds raised by the petitioner would not be sustainable for challenging the order of transfer for the reason that firstly the order of transfer reflects that it is not just a transfer between the petitioner and the respondent No.2, but there are about 36 persons transferred vide the impugned order. Secondly, what is revealed is that the petitioner at the

present place has been posted for more than three years i.e. he has completed the normal tenure of posting at one place. Thus, it cannot be said that the order of transfer has been passed contrary to the transfer policy so far as tenure is concerned. Moreover, the petitioner as such who is an Executive Engineer is being sent against a vacant post of Executive Engineer and therefore there will be no adverse effect on the service conditions of the petitioner on being transferred from present place of posting to the transferred place.

4. For all the aforesaid reasons, this court is of the opinion that no strong case is made out for interference with the impugned order of transfer. However, it is mentioned that in case if the petitioner makes a representation, the respondents would be free to consider the representation on its merit in accordance with law.
5. With the aforesaid observations, the writ petition stands rejected.

Sd/-
(P. Sam Koshy)
Judge