

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 7117 of 2019**

Alango Das S/o Late Prafull Das Aged About 43 Years Occupation Assistant Sub Inspector, Posted At Police Station Gandhinagar Ambikapur, District Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Home Department Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. The Director General Of Police Police Headquarter, Atal Nagar, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. Inspector General Of Police Surguja Range, Ambikapur, District Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
4. Superintendent Of Police Surguja Ambikapur, District Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
5. The Public Prosecutor Officer Ambikapur, District Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- **Respondents**

For Petitioner	:	Mr. Shakti Raj Sinha, Advocate.
For State	:	Mr. P. Acharya, Panel Lawyer

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

09/09/2019

1. The challenge in the present writ petition is to the order Annexure P/1 dated 20.08.2019 whereby the services of the petitioner has been transferred from District Surguja to District Jashpur on administrative exigency.
2. The contention of the petitioner is that the order of transfer has been issued with malafide for the reason that the respondent No.3 the Inspector General of Police, Surguja range was not happy with the vague manner in which the petitioner had investigating of a particular case. According to the petitioner, the respondent No.3 wanted the petitioner to add certain grievous offences also in the said

investigation against the accused persons, which the petitioner for want of sufficient material could not accede to and which has caused the annoyance of the respondent No.3 which later on led to the issuance of the order of transfer.

3. The petitioner further referred to Annexure P/5, which is a correspondence made to the higher authorities in the Department by the complainant in the said investigation conducted by the petitioner, wherein certain grievous allegations have been leveled against the respondent No.3. All these have led to the issuance of the impugned order.
4. All the contentions, which the petitioner has raised in the present writ petition are not grounds, which are available for challenging an order of transfer which has been made on administrative exigency. This Court also find it difficult to draw an inference that the petitioner had been a victim of malafide for the reason that the impugned order has not been passed in isolation for the petitioner alone. The impugned order shows the order of transfer being made in a group. Further, from District Surguja itself there are more than 10 persons, who have been transferred vide the impugned order, which again forces this Court to draw an inference that it has been made on administrative exigency.
5. The contentions which the petitioner has made are all on assumptions and presumptions, which are not strong enough to bring it within the ambit of malafide on the part of the respondent No.3. It has been further informed by the petitioner that he on making a request was also given a hearing by the Director General of Police, which shows that the petitioner was also given an opportunity of

hearing by the head of the Department and who too was not convinced by the submissions that he had made or the contentions that he had brought forth to the notice of the Director General of Police.

6. Given the aforesaid facts and circumstances of the case, this Court does not find any strong case made out by the petitioner calling for an interference with the impugned order of transfer.
7. Further, so far as the law of transfer is concerned, it is by now well settled that unless the order of transfer is issued with malafide or it has been issued by incompetent authority or the same is in contravention to the Service Rules governing, there is hardly any scope for this Court to interfere in an ordinary order of transfer made. For all these reasons, the writ petition fails and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge

Ved