

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 9642 of 2019**

Mahendra Lal Sahu, S/o. Shri Jagdev Ram Sahu, Aged About 57 Years, R/o. Draftsman, O/o. Executive Engineer, Water Management Division, Code No. 38, Rudri, Police Station Rudri, District Dhamtari Chhattisgarh.

---- **Petitioner**

Versus

1. State Of Chhattisgarh, Through The Secretary, Department Of Water Resources, Mantralaya, Mahanadi Bhawan, Naya Raipur, Raipur Chhattisgarh.
2. Chief Engineer, Department Of Water Resources, MRP Basin, Shankar Nagar Chowk, Raipur Chhattisgarh.
3. Executive Engineer, Water Management Division, Code No. 38, Rudri, District Dhamtari Chhattisgarh.
4. Transfer Committee Through The Coordinator, Department Of General Administration, Mantralaya, Mahanadi Bhawan, Naya Raipur, Raipur Chhattisgarh.

---- **Respondents**

For Petitioner	:	Mr. N. Naha Roy, Advocate
For State	:	Mr. Avinash Singh, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board**

25.11.2019

Heard

1. This is the second round of litigation. The petitioner was transferred on 23.08.2019 from the Office of Executive Engineer, Water Management Division, Rudri, District Dhamtari to the Office of Executive Engineer, Water Resources Division, Mahasamund. The said order was subject of challenge before this Court and this Court by order dated 11.09.2019 in W.P.S.No.7133 of 2019 has passed the following orders :

“2. Without entering into the merits of the case, counsel for the petitioner prays that the petitioner may be permitted to make a representation to the respondents and the respondents in turn may be directed to decide the same as expeditiously as possible.

3. Not opposed.

4. Accordingly, the instant Writ Petition stands disposed

off with liberty to the petitioner, if he so chooses, may prefer a detailed representation to the respondents. Considering the fact that, it is a case of transfer, the respondents may decide it as expeditiously as possible, preferably within a period of 30 days from the date of receipt of copy of this Order, as per the rules.”

2. Thereafter, the representation having been filed, the same is dismissed by the order dated 26.10.2019 (Annexure P-1).
3. Learned counsel for the petitioner would submit that the petitioner has been transferred initially to Rudri on 12.07.2019 and within a short span of time, he was again transferred to Mahasamund on 23.08.2019 and with transfer to Mahasamund he would be a surplus staff according to the set up. Therefore, the representation having not been properly decided, the transfer may be canceled.
4. State counsel submits that the distance in between Rudri to Dhamtari is only 5 to 6 km.
5. In the earlier round of litigation, no protection was granted to the petitioner; however, he was given liberty to make a representation. The representation having been filed, the same has been dismissed by the impugned order dated 26.10.2019. The dismissal of the representation speaks that it is not a case where the transfer policy of 2019 has not been followed. Even as has been contended that he was transferred from Dhamtari to Rudri, which is in the same District and the distance between the same according to the State is hardly 5 to 6 km away. The transfer being the incident of service, it is the State Government which would decide whether the particular person has to be placed or posted, unless and until the transfer shock the conscience of Court for any reason of illegality or arbitrariness. Normally the interference of the Court is not called for unless facts are shown otherwise. Accordingly, the petition is dismissed.

Sd/-
Goutam Bhaduri
Judge