

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 10199 of 2019**

- U. S. Agarwal, S/o Late Shri R.C. Agarwal, Aged About 57 Years, Presently Posted As Principal, ITI Bhilai Durg, District- Durg, Chhattisgarh

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through Secretary, Skill Development And Technical Education And Employment Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District- Raipur, Chhattisgarh
2. Director Directorate Of Skill Development And Technical Education And Employment Department Indrawati Bhawan, Atal Nagar, Nawa Raipur, District- Durg, Chhattisgarh
3. T.R. Tanwar Principal Government ITI, Durg, District- Durg, Chhattisgarh

---- **Respondents**

For Petitioner : Shri Syed Majid Ali, Advocate

For Respondents/ State : Shri Neeraj Pradhan, P.L.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****05/12/2019**

1. Heard.
2. This is second round of litigation. The petitioner was transferred from ITI Bhilai, District Durg to ITI Bishrampur, District Kondagaon. This was subject of challenge in WPS No. 6743 of 2019 wherein this Court on 02.09.2019 has passed the following orders:-

2. The contention of the petitioner is that the petitioner in the past in the year 2012 to 2018 has worked in the scheduled area in Jagdalpur and he has been sent on transfer to Durg and now the petitioner is being sent to another core

scheduled area contrary to the transfer policy of the State Government. According to the petitioner, there are many other officers in the Department who have never been posted to any of the scheduled areas working on the same post, where the petitioner is working.

3. Given the said facts, let the petitioner make a detailed representation to the respondent authorities within a period of 10 days from the date of receipt of the certified copy of this order and the respondents in turn shall consider and decide the same within a further period of 45 days. Till then the effect and operation impugned order, so far as the petitioner is concerned, shall remain stayed.

4. With the aforesaid observations, the present writ petition stands disposed off.

3. Learned counsel for the petitioner would submit that thereafter the representation has been rejected without application of mind and no plausible reason has been assigned. He would further submit that it has been only stated that the petitioner has worked for 6 months which is wrong the petitioner itself was posted at the scheduled area for more than 4 years. Considering the same the petitioner has again been transferred to Schedule area will be contrary to the policy.
4. Per contra, Learned state counsel opposes the argument and submit that the order of rejection of representation is well merited and do not call for any interference.
5. Perused the rejection order and also the order passed by this Court in the earlier round of litigation. Perusal of the rejection order would show that the petitioner was posted at ITI Jagdalpur on 13.12.2012 and during that period the petitioner was suspended from 30.01.2013 to 14.06.2016 and actually he has not discharged the job in the scheduled area for the considerable period. Further the representation purports that the transfer had not been

made on any complaint but on administrative ground. Further, transfer being incident of service, unless and until it is malafide or illegal on the face of it, the transfer do not call for any interference. In a result, I am not inclined to interfere with the order of dismissing the representation of the petitioner.

6. Accordingly, the petition stands dismissed.

Sd/-

Goutam Bhaduri
Judge

Jyoti