

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 10317 of 2019**

- Mukesh Singh Kaila, S/o Late Mr. M.S. Kaila, Aged About 49 Years, Presently Posted As Assistant Grade-III, Itl Korba, District Korba, 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 Raipur, Chhattisgarh.
3. Principal Industrial Training Institute Korba, District Korba, Chhattisgarh.

**---- Respondents**


---

For Petitioner : Shri Syed Majid Ali, Advocate

For Respondents/ State : Shri Neeraj Pradhan, Panel Lawyer

---

**Hon'ble Shri Justice Goutam Bhaduri****Order On Board****09/12/2019**

1. Heard.
2. This is second round of litigation. The petitioner was transferred from ITI, Korba to ITI, Ramanujnagar, District Surajpur. This was subject of challenge in the WPS No. 6901 of 2019 where in this Court on 05.09.2019 passed the following orders:-

2. Counsel for the petitioner submits that petitioner has been serving in a scheduled area from 20 years and now again on transfer, he is being sent to a scheduled area. Which is in total violation of the Scheduled Area policy of the State Government dated 03.06.2015. Further contention of the petitioner is that he has already made a representation in this regard to the concerned authority which is Annexure P-4 dated 27.08.2019.

3. Given the aforesaid facts, let respondents decide the representation of the petitioner Annexure P-4 dated 27.08.2019 within a period of 45 days from the date of receipt of copy of this order. While deciding the same, the authorities concerned will take note of the policy pertaining to the Scheduled area framed by the State Government dated 03.06.2015 and also the transfer policy of the State Government.

4. Till the representation of the petitioner is decided, the effect and operation of the impugned order Annexure P-1 shall remain stayed.

5. With the aforesaid observations, the writ petition stands disposed of.

3. It is further submitted that the representation of the petitioner was dismissed and it has been stated that it is on administrative ground, however, there has been gross violation of the transfer policy of the State since the petitioner has already served for more than 20 years in the Scheduled area.
4. Learned State counsel opposes the same and would submit that the petitioner has already served for more than 20 years in Korba and the transfer is under the administrative exigency.
5. Perusal of the dismissal order of the representation shows that the transfer has been made on administrative exigency and considering the fact that the petitioner has already worked in a scheduled area i.e. Korba for more than 20 years. Further, transfer being an 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. However, the petitioner is given liberty to make a representation if so advised for posting in non scheduled area.

Sd/-

Goutam Bhaduri  
Judge