

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 10388 of 2019**

- Pawan Kumar Meshram, S/o Shri Motilal Meshram, Aged About 55 Years
Occupation Service, Secretary Junior, Krishi Upaj Mandi Samiti, Khairagarh,
District Rajnandgaon Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattigarh Through The Secretary, Department Of Agriculture,
Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh
2. Chhattisgarh Krishi Upaj Mandi Board, Through Its Managing Director, Beej
Bhawan, Chhattisgarh Hotel, Ravigram, Telibandha, Post Telibandha, Police
Station Raipur, District Raipur Chhattisgarh
3. The Managing Director, Chhattisgarh Krishi Upaj Mandi Board, Beej
Bhawan, Chhattisgarh Hotel, Ravigram, Telibandha, Post Telibandha, Police
Station Raipur, District Raipur Chhattisgarh
4. Collector Rajnandgaon, District Rajnandgaon Chhattisgarh
5. Secretary, Krishi Upaj Mandi Samiti Khairagarh, District Rajnandgaon
Chhattisgarh
6. Mahesh Kumar Ramteke, Mandi Inspector, Krishi Upaj Mandi Samiti Newra
District Raipur Bilaspur Division, Bilaspur Chhattisgarh

---- Respondents

For Petitioner	:	Shri Rajeev Shrivastava, Advocate
For Respondents/ State	:	Shri Ravish Verma, G.A.

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

1. Heard.
2. The case of the petitioner is that the petitioner who is working at Krishi Upaj
Mandi Samiti, Khairagarh which is near border of State of Madhya Pradesh.
He caught hold of illegal paddy trading, which was brought from the other
State and in the last year he registered 29 cases and this year 17 cases
have been registered. However, the petitioner has again being transferred

wrongly from Krishi Upaj Mandi Samiti, Khairagarh to Kawardha, District Kabirdham on the recommendation of Block Congress Committee Khairagarh which was forwarded to Secretary, Krishi Upaj Mandi Samiti, Khairagarh. Therefore, the transfer was made wrongly on the recommendation. He further submits the transfer is against the clause 2.14 of the transfer policy that upon transfer, the place should not be filled up by junior officer whereas in this case the place is being filled up by Respondent No. 6.

3. Learned State counsel on the other hand would submit that the transfer is on the administrative ground, the petitioner was posted at Khairagarh since 2014 and transfer order (Annexure P-1) do not show that on any complaint the petitioner has been transfer.
4. Perused the documents.
5. Perusal of the documents shows that the petitioner on the basis of Interim order of the Court dated 22.07.2015 passed in WPS No. 2612 of 2015 was continued in the place Khairagarh. The transfer order do not reflect that in complaint the petitioner was transferred and the petitioner is working in Khairagarh for more than 4 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 transfer order. However, the petitioner shall be at liberty to make a representation to the concern respondent within 15 days from today. The same having been filed shall be decided within a further period of 45 days from the date of receipt of a copy of this order.
6. With the aforesaid observation, the petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge