

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 10390 of 2019**

- Sergius Xalxo, S/o Albis Xalxo Aged About 45 Years, Working As Training Officer, Trade Fitter, Industrial Training Institute, Raigarh, District Raigarh, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through The Under Secretary, Skill Development, Technical Education And Employment Department, Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh.
2. The Principal Industrial Training Institute, Raigarh, District Raigarh, Chhattisgarh.
3. Ravi Dewangan Working As Training Officer, Trade Fitter, Industrial Training Institute, Sariya, District Raigarh, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri K.P. Sahu, Advocate
For Respondents/ State	:	Shri Ravish Verma, G.A.

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 Industrial Training Institute, Raigarh to Industrial Training Institute, Sariya. This was subject of challenge in the WPS No. 6947 of 2019 where in this Court on 05.09.2019 passed the following orders:-

1. The challenge in the present writ petition is to the order of transfer dated 20.08.2019 Annexure P-1 whereby the petitioner has been transferred from Raigarh to Sariya.

2. The contention of the petitioner is that it was at his own request forgoing his seniority, on his own expenses, the petitioner was transferred at the present place of posting vide order dated 25.07.2016. Further contention of the petitioner is

that he is a heart patient and he has been implanted with a pacemaker and that he needs constant medical treatment which he is undergoing in Kirodimal Hospital at Raigarh.

3. Given the aforesaid facts, particularly considering the health condition of the petitioner, let the petitioner make a detailed representation to the respondents within a period of 10 days from the date of receipt of certified copy of this order and the respondents in turn shall consider the same within a period of 45 days from the date of receipt of the representation.

4. Till the representation of the petitioner is decided, the effect and operation of the impugned order so far as the petitioner is concerned shall remain stayed.

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

3. Learned counsel for the petitioner submits that the petitioner was ailing and he has been advised for treatment and every 15 days he has to visit the Doctor, therefore his transfer may be cancelled.
4. Learned State counsel would oppose the same and would submit that the transfer of the petitioner from Raigarh to Sariya, the distance is only 27 kms and virtually the petitioner would be at one place.
5. Perused the order of dismissal of representation and in the dismissal of the representation it is stated that the transfer is on the administrative exigency and distance is only 27 kms it is in the same District itself 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.

Sd/-

Goutam Bhaduri
Judge