

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 10728 of 2019

K. B. Ware S/o Late Dayaram Ware Aged About 53 Years Presently Posted And Working As Cooperative Inspector , Office At Deputy Registrar, Cooperative Societies, Korba , District Korba Chhattisgarh. --- **Petitioner**

Versus

1. State of Chhattisgarh Through Secretary , Department Cooperative Societies , Mantralaya , Mahanadi Bhawan , Atal Nagar Nawa Raipur , District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Registrar Cooperative, Block - 3, 2nd Floor, Indrawati Bhawan , New Raipur , District Raipur Chhattisgarh., District : Raipur, Chhattisgarh ---
Respondents

For the Petitioner : Mr. Syed Majid Ali, Advocate

For the State/Respondents : Ms. Akanksha Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17-12-2019

1. This is second round of litigation. The petitioner who is working as Cooperative Inspector has been transferred from the office of Deputy Registrar, Cooperative Society, Korba to the Office of Assistant Registrar, Cooperative Society, Sukma. The said order was subject to challenge in WPS No.6682 of 2019 wherein this Court on 04.09.2019 has passed the following order:

“1. The challenge in the present writ petition is to the order Annexure P-1 dated 14.08.2019 whereby the petitioner has been transferred from the office of deputy Registrar, Cooperative Societies, Korba to the office of Assistant Registrar Cooperative Societies, Sukma.

2. The ground of challenge in the present writ petition is that the petitioner had been working in a scheduled area since 1999 in District Jashpur. Thereafter he was again transferred to another scheduled area i.e., district Korba and vide impugned order the petitioner has been sent to a more hard core scheduled area. Counsel for the petitioner submits that as per the transfer policy, having worked for a

considerable period, in a scheduled area, the respondents should have tried to accommodate the petitioner as far as possible in a non-scheduled area.

3. Given the aforesaid facts, 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 further 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, this writ petition stands disposed of.”

2. It is submitted that thereafter the petitioner has made a representation praying for amendment of the transfer either to the bilaspur, Janjgir Champa or Raigarh on various grounds, however, the same has been rejected on 14.11.2019 vide Annexure P-1 wherein it is stated that the transfer has been made on the ground of complaint and the medical facilities are available at Korba where one post was surplus. It is stated that the service rules do not provide that the transfer can be made on complaint and the rejection of representation shows that at Janjgir Champa no post is available whereas the petitioner has prayed for transfer either to Raigarh or any non-schedule area. It is further submitted that the petitioner had already served at Jaspur from 1999 to 2007, therefore, the transfer may be cancelled.
3. A perusal of Annexure P-4 would show that opinion was sought for from the Registrar Cooperative Society.
4. It appears that the rejection of representation was not on the basis of the opinion whereas the rejection is on the ground that it does not hold any sufficient ground.
5. Transfer is an incidence of service and it cannot be interfered with by courts unless it is shown to be clearly arbitrary or visited by mala-fide or infraction of any prescribed norms of principles governing the policy of transfer.

Therefore, I do not find any reason to interfere with the order whereby the representation of the petitioner has been rejected.

6. This writ petition has no merit and is dismissed.

**Sd/-
GOUTAM BHADURI
JUDGE**

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