

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 160 of 2020***{Arising out of order dated 06.12.2019 passed by the learned Single Judge in**WPS No. 10284 of 2019}*

- Ramsudin Sahu S/o Ganpat Ram Sahu Aged About 49 Years Working As Revenue Inspector, Revenue Inspector Circle, Kedma, Tahsil- Udaypur, District – Surguja, Chhattisgarh.

---- Appellant**Versus**

1. State of Chhattisgarh Through The Secretary, Revenue and Disaster Management Department, Atal Nagar, Mantralaya, New Raipur, Chhattisgarh.
2. The Commissioner Land Record Chhattisgarh, Indravati Bhawan, First Floor, Block No. 2, New Raipur, Chhattisgarh.
3. The Collector Ambikapur, District - Surguja, Chhattisgarh.

---- Respondents

For Appellant : Shri K.P. Sahu, Advocate.
 For Respondents/State : Shri Vikram Sharma, Deputy Government Advocate.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice
Hon'ble Shri Justice Parth Prateem Sahu, Judge
Judgment on Board

Per Parth Prateem Sahu, Judge**05.02.2020**

1. This appeal arises from the judgment dated 06.12.2019 passed by the learned Single Judge in Writ Petition (S) No. 10284 of 2019 whereby the writ petition challenging the order dated 13.11.2019 was dismissed.
2. The Appellant is working as Revenue Inspector. When he was posted at Patwari Training School, Ambikapur, District – Sarguja, he was suspended. The order of suspension was challenged by filing WP(S) No. 8028 of 2018. The order of suspension was revoked on 18.12.2019 and the Appellant was

posted in the office of Land Records, Ambikapur and by order dated 07.03.2019, he was transferred to Revenue Inspector Board, Kedma, Tahsil Udaypur, District – Sarguja.

3. The Appellant has submitted his representation to the Collector sent by post on 08.03.2019 making request to pass appropriate amended order of his posting on the grounds mentioned therein. His representation was considered but turned down by the Respondent No.3 on 13.11.2019. It is the order of rejection of his representation only which was challenged in the writ petition.
4. Learned Single Judge by impugned order dismissed the writ petition.
5. Learned counsel for the Appellant submits that he has brought to the notice of the Court that the Respondent No.3 has not considered his representation in an objective manner, he has mentioned the place vacant at R.I. Circle, Lakhanpur, but that has not been considered. It is also pointed that the posting of Appellant after revocation of suspension was ordered by State Government and the transfer order was issued by Collector for which he is not competent. The place of posting is 70 km. Away from the place of his residence and he is facing great hardship.
6. Per Contra, Shri Vikram Sharma, learned counsel for the State submits that the transfer of the Appellant was ordered on administrative ground. He cannot opt posting on a place of his choice. The Collector being the head of Revenue Department can transfer the employees of Revenue Department within the District. The Respondent No.3 has passed order Annexure-P/1 after application of mind and the order impugned do not call for any interference.
7. We have heard learned counsel for the respective parties.

8. Transfer is an incident of service and no Govt. employee can make a claim that he should be or should not be posted at a particular place. The Collector has considered the representation and dismissed the same by Annexure-P/1. The ground raised in the writ petition or appeal is mainly on the inconvenience caused to the Appellant on account of the place of posting being 70 km. away from his residence. Such a ground is no ground for interfering with the orders of transfer of employee when passed by the authority competent to do so.
9. Collector is the head of the Revenue Department within the District. He is also 'Appointing Authority' of Revenue Inspectors under Section 106 of the Land Revenue Code, 1959. The Collector being an Appointing Authority can also transfer the employee to the place looking the administrative need / exigency analyzing the efficiency and record of a particular employee. Merely posting after revocation of suspension order by State Government does not mean that even for the transfer of such employee order is to be passed by the State Government. The submission made by the Appellant to the effect that Respondent No.3 superseded the order of Respondent No.1 is misplaced.
10. No tenable ground is made out calling interference with the impugned order. The appeal being devoid of any merit which is liable to be and is hereby dismissed.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge