

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 848 of 2020**

- Yugeshwar Singh Dhruw S/o Hem Singh Dhruw Aged About 50 Years Presently Posted And Working As Assistant Grade-II, District Office, Mining Branch, Baloda Bazar Chhattisgarh Resident Of Suvida Vihar, Mahaveer Nagar, C-4, New Purena, Raipur Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, Department Of Mineral Resources, Mahanadi Mantralaya, Naya Raipur, Atal Nagar, Post Office And Police Station Naya Raipur, Atal Nagar, District Raipur Chhattisgarh
2. Under Secretary Department Of Mineral Resources, Mahanadi Mantralaya, Naya Raipur, Atal Nagar, Post Office And Police Station Naya Raipur, Atal Nagar, District Raipur Chhattisgarh
3. Director Directorate Of Mining, Indrawati Bhawan, Naya Raipur, Atal Nagar, Post Office And Police Station Naya Raipur, Atal Nagar, District Raipur Chhattisgarh

---- Respondents

For Petitioner : Shri Vivek Shrivastava, Advocate

For Respondents/State : Shri Kunal Das, PL

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****07/02/2020**

1. Heard.
2. The grievance of the petitioner is that the petitioner was working in the District Mining Office, Baloda Bazar and has been transferred to District Mining Office, Rajnandgaon by order dated 20.08.2019 (Annexure P-2), however, the petitioner was not relieved. Subsequently, the transfer order was amended by order dated 31.01.2020 wherein the petitioner's transferred place Rajnandgaon was amended to Mining Office Gariyaband.

3. Learned counsel for the petitioner would submit that the said transfer is against the policy of the State because the transfer could not be made after 12th of July, 2019 and it is a mid session transfer.
4. Per contra, learned State counsel opposes the arguments advanced by learned counsel for the petitioner.
5. During the course of submission it is stated that the petitioner was in the District Mining Office for the last 5 – 6 years and the transfer policy though lays down that the transfer cannot be made after 12th of July, 2019 and can only be done by the recommendation of the Minister and by the Collector but taking into the fact that the petitioner has already spent 5 -6 years at Baloda-Bazar and the transfer has been made in the exigencies of the service, the prejudice cannot be said to have caused and the same cannot be termed as completely illegal. Transfer policy is only the guideline and in the given case if the petitioner has already spent 5 – 6 years at one place, the Government can transfer him. It is well settled law that the transfer of a Government Servant appointed to a particular cadre of transferable post from one place to the another is an incident of service, which cannot lightly be interfered with by Courts unless it is shown to be clearly arbitrary or visited by malafide or infraction of any prescribed norms of principles governing the policy of transfer which causes serious prejudice. No Government servant or employee of Public Undertaking has legal right for being posted at any particular place.
6. In view of the above settled legal position, I am not inclined to interfere with the impugned transfer order. Accordingly, the petition is dismissed.

Sd/-
Goutam Bhaduri
Judge