

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1130 of 2020

Fulgence Toppo S/o Shri Julius Toppo Aged About 59 Years Posted as Sub Registrar in the Office of the Sub Registrar Abhanpur Raipur, District- Raipur, R/o House No. 313, Near Sarshwati Gyan Mandir, Ward No. 16 Tulsipur, District- Rajnandgaon, Chhattisgarh.
--- Petitioners

Versus

1. State of Chhattisgarh through Under Secretary, Commercial Tax (Registration) Department, Mahanadi Bhawan, Naya Raipur, District- Raipur, Chhattisgarh.
2. Inspector General Registration Raipur, Commercial Tax (Registration) Department, Behind Chhattisgarh, Nirwahan Bhawan Ghadi Chowk Raipur, District- Raipur, Chhattisgarh.
3. District Registration Raipur Commercial Tax (Registration) Department, In-Front of Chhattisgarh, Nirwahan Bhawan Gadhi Chowk, Raipur, District- Raipur, Chhattisgarh.
4. Sub Registrar Office of the Sub Registrar Abhanpur Raipur, Tahsil-Campus District- Raipur, Chhattisgarh.
5. Senior Co-Ordinator Committee of the Senior Secretary (Constituted For Transfer Orders Issued by The State of Chhattisgarh as Per The Transfer Policy 2019), through the Under Secretary, Commercial Tax (Registration) Department, Mahanadi Bhawan, Naya Raipur, District- Raipur, Chhattisgarh.
--- Respondents

For the Petitioner : Mr. Akash Pandey, Advocate

For the State/Respondents : Mrs. Akanksha Jain, Dy. G.A and Mr. Kunal Das, Panel lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

20-02-2020

1. This is second round of litigation. Earlier the petitioner was transferred from Abhanpur to Pandariya by order dated 25.09.2019, which was subject of challenge in WPS No.8335 of 2019 wherein this Court on 04.01.2019 has passed the following Order:

“1. Challenge in the present Writ Petition is to the order of transfer dated 25.09.2019 whereby the petitioner has been transferred from Abhanpur to Pandariya.

2. The challenge is on the ground that the impugned order of transfer has been issued during ban period and that there is no administrative exigency for transferring the petitioner. He further submits that the department itself when the ban was lifted, had issued various transfer orders but the name of the petitioner was not reflected in those orders and after the ban was again imposed by the state Government, the present impugned order has been passed.

3. Given the aforesaid facts, let the petitioner make a detailed representation in this regard to the respondents within a period of 10 days from today, who in turn shall consider and decide the same at the earliest preferably within a further period of 45 days.

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

5. The writ petition accordingly stands disposed off”

2. Learned Counsel for the petitioner submits that the petitioner has thereafter filed representation and the same has been dismissed by non-speaking order. He further submits that the petitioner has joined the place of posting on 17.09.2018 and within a short period, he has again been transferred, therefore, the norms were not looked into while dismissing the representation.
3. Learned State Counsel opposes the arguments of the petitioner. A perusal of the representation would show that only the grounds were urged that the petitioner has been transferred in the period of ban. The impugned order 21.01.2020 (Annexure P-9) whereby the representation has been rejected purports that after verification of the coordination committee, the transfer has been effected, therefore, prima facie, it do not show that the transfer is an out come of any illegality or is tainted with mala-fides.

4. 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 mala-fide or infraction of any prescribed norms of principles governing the policy of transfer. No Government servant or employee of Public undertaking has legal right for being posted at any particular place.
5. In view of the above settled legal position, I am not inclined to interfere with the impugned order rejecting the representation against the transfer. Accordingly, this petition is dismissed.

**Sd/-
GOUTAM BHADURI
JUDGE**