

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 2015 of 2020**

Satyavrat Jangde S/o Shri Shanker Lal Jangde Aged About 39 Years Forest Guard (Terminated), R/o Quarter No. H/6, Forest Colony, Narangi Ekai, Sitamadhi Champa Road, District Korba, Chhattisgarh.
--- Petitioner

Versus

1. State of Chhattisgarh through the Secretary, Department of Forest, Mahanadi Bhawan, New Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Chief Conservator of Forest Bilaspur Circle Bilaspur, Chhattisgarh.
3. The Divisional Forest Officer Korba, Division Korba, Chhattisgarh.
--- Respondents

For the Petitioner : Mr. Ritesh Verma, Advocate

For the State/Respondents : Mr. Alok Bakshi, Addl. Advocate General

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****22-05-2020**

Heard.

1. The grievance of the petitioner is that pursuant to his reinstatement in service on 28.02.2020, by order dated 05.03.2020 he was posted at Narangi, forest range Korba. However, immediately thereafter, another order was issued vide Annexure P-1 dated 07.03.2020 whereby he was posted at Bhutkachhar Bariyar, Khudiya Range of Mungeli Forest Division which is under challenge in this petition.
2. Learned counsel for the petitioner submits that the petitioner was posted at Forest Division Korba vide Annexure P-5 on 05.03.2020 and abruptly on 07.03.2020 vide Annexure P-1 again he has now been transferred to Bhutkachhar , Forest Range Khudiya, Mungeli Forest Division which cannot

be allowed to sustain. He further submits that the earlier the service of the petitioner was dismissed and it is because of malafide, the petitioner has been transferred as in the departmental appeal he has raised all the grounds which include the malafides held against the petitioner by the officials, therefore, the order dated 07.03.2020 is illegal.

3. Learned State Counsel opposes the same and would submit that earlier service of the petitioner was dismissed on 29.08.2019 vide Annexure P-9. Subsequently in a departmental appeal, his services was reinstated and after his reinstatement, taking into consideration the past conduct of the petitioner, he has now been posted at Mungeli and he has already been relieved on 11.03.2020 vide Annexure P-7.
4. Perused the documents. A perusal of the documents would show that the petitioner was dismissed by Annexure P-3 on 29.08.2019. Thereafter, a departmental appeal was preferred and in such appeal on 28.02.2020 the dismissal order was set aside and he was reinstated without back wages. Vide order dated 05.03.2020 (Annexure P-5), the petitioner's duty was assigned to Narangi, which falls within the forest Division Korba and thereafter vide order dated 07.03.2020 (Annex.P-1) the petitioner has now been posted at forest division Mungeli.
5. Prima facie, the documents show that nothing has been placed on record to show that the posting of the petitioner has been tainted with malafide or is against the settled norms. The petitioner after his dismissal was reinstated in departmental appeal vide order dated 28.02.2020. Thereafter, he has been posted at Mungeli.
6. It is well settled law that the transfer of a Government Servant appointed to a particular 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. Therefore, the petition has no merit and is dismissed.

7. At this stage, it is submitted that the petitioner has made an application that because of Pandemic Covid-19, he is unable to move and shift his family. It is obvious that the movement of the persons during pandemic would be governed by the direction issued by the State Government as per the guidelines of the Ministry of Home Affairs (MHA). Therefore, no separate order is required to be passed by this Court. Since the petitioner has made an application dated 12.3.2020 (Annexure P-8) to the Chief Forest Conservator, Forest Circle Bilaspur to cancel his posting at Mungeli forest division, the same may be decided within a period of 8 weeks from the date of receipt of this order on its own merits.

Sd/-

**GOUTAM BHADURI
JUDGE**