

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2266 of 2020**

- D.K. Rathore S/o L.P. Rathore, Aged About 62 Years Presently Posted And Working As District Exercise Officer, Chhattisgarh Distilleries Private Limited Khapari, Kumhari, District Durg Chhattisgarh

---- Petitioner**Versus**

1. The State Of Chhattisgarh Through Secretary, Excise Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, New Raipur, District Raipur Chhattisgarh
2. Under Secretary, State Of Chhattisgarh, Excise Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, New Raipur, District Raipur Chhattisgarh
3. Excise Commissioner, G.S.T. Bhawan, Atal Nagar, New Raipur, District Raipur Chhattisgarh
4. Yadunandan Rathore, Present Posted As District Excise Officer, Office At Divisional Flying Squad, Raipur Division, Raipur, District Raipur Chhattisgarh.

---- Respondents

For Petitioner : Shri Raghvendra Pradhan, Advocate

For Respondents/ State : Ms. Richa Shukla, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order****24/06/2020**

1. Heard.
2. The challenge in this petition is to the order dated 02.06.2020 whereby the petitioner has been transferred from Chhattisgarh Distilleries Private Limited Khapari, Kumhari, District Durg to the Office of Deputy Commissioner of

Excise Raipur.

3. Learned counsel for the petitioner would submit that the petitioner is left with only 5 months of service, therefore since the transfer of petitioner is from one district to another it may affect the calculation of retiral dues therefore he may not be transferred at the fag end of his service. It is further contended that the petitioner is also subjected to frequent transfers as the petitioner was initially transferred on 03.02.2017 from Bilaspur to District Excise Officer, Raipur. Thereafter on 26.06.2018 the petitioner was again transferred from one office to another within the same district. Thereafter on 10.09.2018 he was again transferred from Raipur to Durg and again on 05.02.2019 he was transferred from the Office of Assistant Commissioner Excise Durg to the Office of C.G. State Marketing Corporation Limited, Durg.
4. Learned State counsel opposes the argument.
5. Perused the transfer order dated 02.06.2020 whereby the petitioner has been transferred from Chhattisgarh Distilleries Private Limited Khapari, Kumhari, District Durg to the Office of Deputy Commissioner of Excise Raipur. Reading of earlier transfer orders would show that the petitioner was subjected to transfers, however, he moved within the vicinity of 40 kms from 2017 and the recent transfer which is under challenge from Kumhari, District Durg to Raipur is hardly 10- 15 kms. Though the petitioner has left with 5 months of service and the transfer which has been effected would show it is not at exorbitant distance and prima facie it does not reflect that it would cause any material prejudice or hardship to the petitioner. The distance in between two places of transfer would be a relevant consideration to consider the hardship in a transfer. The transfer within 10-15 kms cannot be said to have materially affected or prejudiced any person.

6. 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. So far as the retiral dues are concerned, it is directed that the State may ensure that because of transfer from Kumhari, District Durg to Raipur the petitioner may not suffer any hardship in getting the retiral dues. The retiral dues documents may be prepared and processed accordingly.
7. With the aforesaid observation, the petition stands disposed off.

Sd/-

Goutam Bhaduri
Judge

Jyoti