

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2389 of 2020**

- Deepak Tiwari S/o Ishwari Prasad Tiwari Aged About 44 Years Working As Patwari, P.H. No. 13, Village Khorpa, Tahsil Abhanpur, District Raipur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary Revenue And Disaster Management Department, Mahanadi Bhawan, Mantralaya, Nawa Raipur, Chhattisgarh
2. The Collector (Land Record Branch) Raipur, District Raipur, Chhattisgarh
3. The Sub-Divisional Officer (Revenue) Abhanpur, District Raipur, Chhattisgarh
4. The Tahsildar Abhanpur, District Raipur, Chhattisgarh
5. Vidyabhushan Sinha Working As Patwari, P.H. No. 46, Gobranawapara, District Raipur, Chhattisgarh

---- Respondents

For Petitioner : Shri Goutam Khetrapal, Advocate

For Respondents/State : Ms. Akanksha Jain, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order****26/06/2020**

1. Heard.
2. Learned counsel for the petitioner would submit that the petitioner has been transferred from Patwari Circle No.13, to Patwari Circle No.24, Manikchouri, Torkro, Tahsil Abhanpur, District Raipur on 22.05.2020 (Annexure P-1). On the earlier date learned counsel for the petitioner raised objection with regard to the jurisdiction of the SDO who has transferred the petitioner but today the State

counsel has filed a judgment passed by this Court in ***Chhattisgarh Patwari Sangh Vs. State of Chhattisgarh & ors. (2011) 2 MPHT 98***, wherein it has been held that the SDO has power to transfer Patwari within the Sub-Division, in view of this the counsel would submit that the jurisdiction point he will not press. He would further submit that transfer has been made against the transfer policy dated 27th of June, 2019 (Annexure P-4) and clause 2.13 thereof purports that more than 10% of the Class-III employees should not be transferred, whereas in this case the list would show that in the Patwari circle 14 patwaris have been transferred and the Abhanpur includes 52 circles. He would further submit that the transfer is also violative of the direction dated 27.05.2020 (Annexure P-5) and the clause 2.4 thereof purports that under extreme urgency, the transfer is to be effected in pandemic situations, therefore, the transfer of the petitioner may be stayed.

3. Learned State counsel on the other hand, on instructions, would submit that the petitioner has already been relieved on 19.06.2020.
4. I have heard learned counsel for the parties and perused the documents.
5. Primary reading of the order of transfer dated 22.05.2020 (Annexure P-1) would show that the petitioner is transferred from one circle to other i.e. circle No.13 to circle No.24 which is within the Abhanpur Tahsil, District Raipur. The petitioner referred to earlier transfer dated 28.06.2019 (Annexure P-3) which would show that he was given the charge of Patwari Circle No.13 wherefrom the petitioner has now recently been transferred on 22.05.2020. Therefore, it appears that the inter se transfer which is made by the SDO is the nature of work allocation from one circle to another and the judgment passed in ***Chhattisgarh Patwari Sangh (supra)*** lays down the said power has been held to be vested with the

SDO within the Sub-Division. 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. Therefore, I am not inclined to interfere with the transfer order as it is within sub-division from one circle to other. It is more in the nature of office allocation of job, which cannot be said to have seriously prejudiced the petitioner. The petitioner at last since has made a request to make a representation before the Collector, in view of the prayer made, the petitioner shall be at liberty to file the representation, if so advised.

6. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu