

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 3255 of 2020**

- Devendra Uike S/o Shri P.R. Uike, Aged About 38 Years R/o Village Tongapal, Tahsil Chhindgarh, District Sukma Chhattisgarh,

---- Petitioner

**Versus**

1. State of Chhattisgarh through The Secretary, Department Revenue And Disaster Management, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh.
2. Collector (Land Records) Sukma, District Sukma Chhattisgarh.
3. Sub Divisional Officer Sukma, District Sukma Chhattisgarh.
4. Tahsildar, Chhindgarh, District Sukma Chhattisgarh.
5. Shri Jaidev Baghel, Patwari Halka No. 6, Chitalnar, District Sukma Chhattisgarh.

---- Respondents

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| For Petitioner | : | Mr. Shashank Thakur, Advocate. |
| For State      | : | Mr. Amrito Das, AAG.           |

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**Hon'ble Shri Justice Goutam Bhaduri****Order****27-08-2020**

1. Heard.
2. Learned counsel for the petitioner would submit that the petitioner, who is working as Patwari has been transferred from Patwari Halka No.14, Hamirgarh, Tahsil Chhindgarh to

Patwari Halka No.6, Chintalnar, District Sukma, however, the same was not given effect to and after one year on 25-7-2020 the petitioner all of a sudden has been relieved during peak hours of the pandemic. He would further submit that the petitioner has filed another document dated 11-8-2020 which shows that the private respondent No.5 namely Shri Jaidev Baghel, after joining at Chhindgarh has been transferred to Ganjnar which would show that there is no urgency remains at the part of the State to relieve the petitioner after one year, therefore, both orders of transfer and relieving were under challenge.

3. Per contra, learned State counsel would submit that the actual transfer order is dated 8-3-2019 and the petitioner chose not to challenge the same and as when the petitioner is relieved by order dated 25-7-2020 (Annexure P/2) it is under challenge. It is further submitted that the petitioner was in the place at Patwari Halka No.14 Hamirgarh for the last six years and no legal ground exists to interfere in the transfer order.
4. Perused the documents. The petitioner was transferred on 8-3-2019 from Patwari Halka No.14 Hamirgarh to Patwari Halka No.6 Chintalnar. He was relieved by order dated 25-7-2020 (Annexure P/2) which is under challenge. The documents Annexure P/1 and Anenxure P/2 by which the period has lapsed, would give rise to inference that the petitioner, after transfer was made, was able to manage the affairs, however,

when it is executed, it is challenged before the Court. The petition appears to have been filed not with clean hands and the fact that initially transfer was made on 8-3-2019 and though it was accepted, the petitioner did not challenge the same and when he was relieved at Patwari Halka No.14, Hamirgarh, the same was under challenge the series of facts though executed but cannot be shelved for all the time to come.

5. Under the circumstances, I do not find any illegality in the order to interfere. The transfer being the incident of service, it is the State Government which would decide whether the particular person has to be placed or posted. Unless and until the transfer shock the conscience of Court for any reason of illegality or arbitrariness, normally the interference of the Court is not called for unless acts are shown otherwise.
6. Accordingly, the petition is liable to be and is hereby dismissed. However, the petitioner shall be at liberty to make a representation before the respondent authorities, if so advised.

Sd/-

**(Goutam Bhaduri)**  
**Judge**

Raju

