

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 3727 of 2020**

G L Lakhera S/o Shri H.L. Lakhera Aged About 52 Years Jal Parisar,
Malviya Nagar, Durg, District Durg Chhattisgarh., District : Durg,
Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Public Health Engineering Department) Mantralaya, Mahanadi Bhavan, Nava Raipur, Atal Nagar, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Under Secretary Public Health Engineering Department Mantralaya, Mahanadi Bhavan, Nava Raipur, Atal Nagar, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Chief Engineer Public Health Engineering Department Zone Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
4. Engineer In Chief Public Health Engineering Department Mahanadi Bhavan, Nava Raipur Atal Nagar, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
5. Chief Engineer Public Health Engineering Department, Zone Jagdalpur, District Bastar, Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Kishore Bhaduri, Advocate
For State/Res.2 & 3	:	Mr. Siddharth Dubey, Dy. GA

Hon'ble Shri Justice P. Sam Koshy
Order on Board

22/09/2020

1. The challenge in the present writ petition is to the order Annexure P-1 & P-2 dated 18.02.2020 & 25.08.2020. Vide the impugned orders the

petitioner has been transferred on the post of Superintendent Engineer from Durg to Jagdalpur. Vide the order dated 18.02.2020 and Vide Annexure P-2 dated 25.08.2020, the petitioner has been ordered to be relieved to join at Jagdalpur.

2. The whole challenge to the order of transfer and to the relieving order is, stating the precarious conditions that is prevailing at the present place of posting of the petitioner as a result of the impact of COVID-19 pandemic. Further contention of the petitioner is that during this period the petitioner has lost his mother who was residing with him and now has his aged father with him to take care of.
3. All said and done what needs to be taken note of is the fact that the petitioner was transferred vide order dated 18.02.2020. The order was well within the knowledge of petitioner and the petitioner is now trying to oppose the order of transfer or challenge the same after a period of about 7 months. During these 7 months period he seemed to be not aggrieved of the order of transfer. Another aspect which needs consideration is the fact that Annexure P-1 order of transfer was not an order passed in isolation but is a general order consisting transfer of about 28 officers.
4. It is settled position of law by a catena of decisions of the Supreme Court as also by this High Court whereby it has been repeatedly held that transfer is an incidence to service and that it is always the prerogative and domain of the employer's power to decide which officer should be posted at which place and for what duration of time. It is not within the powers of employee to choose his place of posting and also the duration for which he should be posted at a particular

place. Personal inconveniences are always part of contract to employment and these personal inconveniences can never come in the way of Government employee from being transferred from one place to another. Moreover, any personal grievance that petitioner has on his personal front is one which can only be redressed by the employer, there cannot be a judicial interference for the same.

5. In the instant case the petitioner on being transferred from 18.02.2020 never challenged the order of transfer before any authority nor before any Court of law till the time the present writ petition was filed. That means the order of transfer transferring the petitioner from Durg to Jagdalpur was acceptable to him and if that be so, then the order of relieving becomes inevitable.
6. It is not a question of at what time the relieving order has to be issued it could have been issued at any time after the order of transfer being issued. Moreover, in the instant case considering the situation that Country was facing the petitioner has been retained at the present place well over seven months period which itself is a sufficient long duration of time and if at this juncture if the respondents issue an order of relieving, this Court finds it difficult to hold either the order of transfer or the order of relieving to be in any manner to be illegal or even unjustified.
7. For the said reasons, this Court does not find any strong case for the interference to the two impugned orders. However, the petitioner would still be at liberty to pursue his representations that he has made on the administrative front with the superior officers in the Department.

8. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit