

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4003 of 2020**

Manish Kumar Arya, S/o. Late Ramjivan Arya, Aged About 36 Years,
Presently Posted As Subject Matter Specialist In Office Of Krishi Vigyan
Kendra, Balrampur, District Balrampur Ramanujganj, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through The Secretary, Agricultural Department
Mantralaya, Mahanadi Bhavan, New Raipur, District Raipur, Chhattisgarh.
2. Indira Gandhi Agriculture University, Through Its Vice Chancellor, Krishak
Nagar Raipur District Raipur, Chhattisgarh
3. Senior Scientist & Head Krishi Vigyan Kendra Balrampur, District
Balrampur- Ramanujganj, Chhattisgarh
4. Senior Scientist & Head Krishi Vigyan Kendra Gariyaband, District
Gariyaband, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Hemant Kesharwani, Advocate
For State/Respondent No.1	:	Ms. Sunita Jain, Govt. Advocate
For Respondents No.2 to 4	:	Mr. D.N.Prajapati, Advocate

Hon'ble Shri Justice Goutam Bhaduri**ORDER****20.10.2020**

Heard

1. Learned counsel for the petitioner submits that the petitioner who is working
in the Agriculture Science Centre, Balrampur has been transferred to
Agriculture Science Centre Gariyaband by the order dated 28.08.2020. He
would submit that the petitioner's wife is also working at Ambikapur and
according to the transfer policy of the State, normally the husband & wife
should be kept in the same place. He further submits that the sister of the
petitioner who is dependent is disabled to the extent of 64% as such the
petitioner has to take care of her; consequently the petitioner may be posted
nearby the present place of posting where likewise posts are vacant.
2. Learned counsel appearing for the respondents No.2 to 4 submits that the

transfer is an incident of service and due to requirement of the petitioner the transfer has been made. He further submits that the petitioner is posted at Balrampur since 2015.

3. Learned State counsel opposes the argument.
4. Reply of the respondents No.2 to 4 would show that the petitioner has already been relieved, as the transfer order is dated 28.08.2020 and considerable time has passed. Taking into fact that the petitioner is posted at Balrampur since 2015, I do not find any plausible reason to interfere with the transfer order of the petitioner. The transfer being the incident of service, it is the Govt./ Employer 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 facts are shown otherwise.
5. Considering the documents filed by the petitioner that the wife of the petitioner is ailing and also the sister of the petitioner is shown to be 64% disabled as per the disability certificate, the respondents are directed that the representation of the petitioner filed on 29.08.2020 shall be considered within a further period of 45 days and till the representation is decided, no coercive action shall be taken against the petitioner.
6. With the aforesaid observation, this writ petition stands disposed of.

Sd/-
Goutam Bhaduri
Judge

Aks