

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 4918 of 2020**

C. L. Ghrilahare S/o Late Ghaduram Ghrilahare Aged About 61 Years
Presently Working On The Post Of Chief Executive Officer Janpad
Panchayat Kartala District Korba Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Tribal Development, Mahanadi Bhawan, Mantralaya, Atal Nagar, New Raipur District Raipur Chhattisgarh
2. The Collector, Korba District Korba Chhattisgarh
3. Project Administer Integrated Tribal Development Project Korba District Korba Chhattisgarh
4. Ashish Dewangan Deputy Collector, Korba District Korba Chhattisgarh
5. Radheshyam Mirjha Regional Organizer Office Of Assistant Commissioner Tribal Development Korba District Korba Chhattisgarh

---- Respondents

For Petitioner	:	Mr. A. N. Pandey, Advocate
For State	:	Mr. Vivek Ranjan Tiwari, Addl. AG

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

26/11/2020

1. The challenge in the present writ petition is to the order of posting dated 10.11.2020 whereby the petitioner's place of posting has been shifted from Janpad Panchayat, Kartala to the office of Assistant Project Officer, Zila Panchayat, Korba.
2. Plain reading of the impugned order would show that in fact it is not an order of transfer, it is only a change of place of posting within the District.

Moreover, distance between the two places is also too short a distance which could cause any sort of personal inconvenience to the petitioner, nor is there any adverse impact on the service conditions of the petitioner. Moreover, the impugned order also reflects reasons for which the petitioner's place of posting has been shifted which otherwise again would not be a matter of judicial review exercising the extra ordinary Writ powers conferred upon this Court under Article 226.

3. Counsel for the petitioner further submits that the action on the part of the respondents is malafide for the reason that petitioner in the past has approached the High Court on repeated occasions and there are orders passed by the High Court in his favour. Further ground of challenge is that earlier the order of transfer was one which was issued by the State Government and it is only the State Government who could have now changed the place of posting of the petitioner.
4. Both these grounds which have been raised by the petitioner also are not sustainable for the reason that present is not a matter of transfer, it is only a change of place of posting which otherwise is exclusively within the domain of the Higher Authorities in the Department. In the instant case it is only a shifting of the petitioner from one office to the another office within the same district and the distance also is too short a distance without any change in the service conditions of the petitioner.
5. The writ petition therefore being devoid of merits deserves to be rejected and stands accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge