

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 4991 of 2020**

Shyam Singh Khanna S/o Shri L. S. Khanna Aged About 52 Years  
 Posted As Assistant Sub Inspector, P. S. Kotwali, R/o Civil Line,  
 District Korba Chhattisgarh

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through Secretary, Ministry Of Home Affairs,  
New Raipur District Raipur Chhattisgarh
2. Superintendent Of Police, District Korba Chhattisgarh
3. Inspector General Of Police, Police Head Quarters, District Raipur  
Chhattisgarh

**---- Respondents**


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|----------------|---|-----------------------------|
| For Petitioner | : | Mr. Anup Majumdar, Advocate |
| For State      | : | Mr. Rahul Jha, GA           |

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

**08/12/2020**

1. Counsel for the petitioner makes an oral prayer for amending the cause title so far as respondent No.3 is concerned. Inadvertently, the address of respondent No.3 has been reflected as Raipur instead of Bilaspur.
2. The oral request is not opposed by the State Counsel.
3. Let necessary amendment be carried out during the course of the day itself.

4. The challenge in the present writ petition is to the order of transfer dated 03.11.2020 whereby the services of the petitioner has been transferred from the Police Station, Kotwali District Korba to the Police Station, Pasaan District Korba. The order of transfer has been issued by the Superintendent of Police.
5. Counsel for the petitioner submits that action of transferring the petitioner has been with malafide intentions for the reason that there were serious allegations made by the petitioner's wife against some of the officials under the respondents and for which the wife of the petitioner has also preferred the writ petition before this Court i.e. WPCR 373/2020. As a consequence of the said writ petition, and the High Court having taken cognizance and notices being issued the petitioner has been subjected to transfer at this juncture.
6. Considering the fact that petitioner has been transferred within the same district, this Court in exercise of its Writ jurisdiction would find it difficult to interfere with the same as it is settled position of law that deciding the place of posting, tenure of posting etc. is exclusively within the domain of the employer, unless of course the order is firstly contrary to the service rules and secondly has been issued with malafides. So far as order of transfer being contrary to the service condition is concerned, there is no challenge to the same, however there is an allegation of malafide in the instant case.
7. Giving the serious facts, this Court at this juncture would like to dispose of the writ petition with a direction to the respondent No.2 as also to respondent No.3 to reconsider the place of posting of the petitioner particularly when the petitioner prays that he may be

posted somewhere closeby to the present place of posting so that he can provide necessary assistance to the family members.

8. Let petitioner make fresh representation in this regard to the respondent No.2 & 3 within a period of 10 days from today and respondent No.2 & 3 in turn shall consider and decide the same within a further period of 45 days.
9. Meanwhile, it is expected that respondents would not be vindictive against the petitioner.
10. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-  
**(P. Sam Koshy)**  
**Judge**

Rohit