

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 5109 of 2020

Sunil Kujur S/o Late Shri Kalyan Kujur Aged About 51 Years Patwari,
Kansabel District Jashpur Chhattisgarh.

---Petitioner(s)

Versus

1. State Of Chhattisgarh Through Chief Secretary, Revenue Department, Govt. Of C.G. Naya Raipur, Tahsil And District Raipur Chhattisgarh.
2. The Collector Jashpur, District Jashpur Chhattisgarh.
3. Sub Divisional Magistrate (Revenue) Bagicha Division, District Jashpur Chhattisgarh.
4. Shri Pradeep Kumar Nayak P.C. No. 16, Bans Bahar, Tahsil Kansabel District Jashpur Chhattisgarh.

---Respondents

For Petitioner	:	Shri VG Tamaskar, Advocate.
For Respondent-State	:	Shri Mateen Siddique, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

04.12.2020

1. The challenge in the present writ petition is to the order dated 26.11.2020 whereby the petitioner has been transferred from Kansabel to Bagbahra, District Jashpur.
2. The counsel for the petitioner submits that there is inter Tehsil transfer made by the Collector. He further submits that at the present place of posting at Kansabel he has been recently reported for duty only on 16.11.2020 pursuant to earlier transfer order dated 29.09.2020.
3. There is no challenge to the fact that the service being transferable, nor is there any strong ground of malafides alleged in the petition. It is also not the case of the petitioner that the order of transfer is contrary to the Service Rules.
4. Perusal of record would show that the earlier order dated 29.09.2020 was in respect of internal shifting of the Patwaries from one Halka to another Halka within the same Sub Division whereas the present impugned order

dated 26.11.2020 has been passed by the Collector shifting the petitioner and other persons from one place to another place.

5. Competency of the authority is not under challenge. The only ground of challenge is the fact that the order impugned has been passed in order to accommodate the respondent No.4.
6. The Supreme Court time and again have made it clear that in the event of person being aggrieved by an order of transfer, they have got an opportunity to approach the authorities by making a suitable representation for the same. In the process, if somebody makes a representation or has made a request to the authorities for a suitable transfer and which, in turn having been considered by shifting the place of posting, the same cannot be said to be an order which has been passed with malafide unless the malafide is writ large. Only on seeking request for change of place of posting malice cannot be attributed either to the action or the authorities concerned who have passed the same.
7. The writ petition accordingly being devoid of merit deserves to be and is hereby rejected. However, right of the petitioner to approach the respondent No.2 in respect of the order of transfer dated 26.11.2020 stands reserved on the administrative side.

Sd/-
(P. Sam Koshy)
Judge