

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 10649 of 2019

Kirti Kumar Thakur S/o Tilak Ram Thakur, Aged About 30 Years Working Senior Agriculture Development Officer, Bilha, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh **--- Petitioner**

Versus

1. State of Chhattisgarh Through Principal Secretary, Agriculture, Farmer Welfare And Bio Technology Department, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh.
2. Deputy Director (Agriculture), Bilaspur, District Bilaspur Chhattisgarh.
3. Deputy Director (Agriculture), Bijapur, District Bijapur Chhattisgarh. **--- Respondent**

For the Petitioner	: Mr. Aarti Chanda Dutta, Advocate
For the Respondent	: Mr. Neeraj Pradhan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13.01.2020

1. This is second round of litigation. The contention of the petitioner is that he has made a representation on 09.07.2019 praying for transfer on the vacant post available in District Balod, which was not being considered. Therefore, a writ petition bearing WPS No.7573 of 2019 was filed wherein this Court on 23.09.2019 has recorded the contention of the petitioner at para No.2 which reads thus :

“2. Contention of the petitioner is that the petitioner has already made a representation vide Annexure P-2 on 09.07.2019 seeking for transfer on the vacant post available in District Balod, which is still pending. However, the respondents in between have vide Annexure P-1 transferred the petitioner to the entirely different area”.

2. Learned counsel submits that subsequently the representation (Annexure P-2) has been rejected. It is contended that so many other officers have been

transferred on their request to the particular place, however, the case of the petitioner has been put to discrimination, therefore, the transfer order is required to be cancelled.

3. Perused the order dated 29.11.2019 (Annexure P-1) whereby the representation of the petitioner has been rejected. The said order purports that the transfer was made as per the transfer policy and the family grounds of the petitioner was considered however, the same was not given priority. Rather, the ground of administrative exigency was given top priority.
4. Transfer of a Government Servant appointed to a particular cadre of transferable post from one place to the another is an incident of service, which cannot lightly be interfered with by Courts unless it is shown to be clearly arbitrary or visited by mala-fide or infraction of any prescribed norms of principles governing the policy of transfer. No Government servant or employee of Public undertaking has legal right for being posted at any particular place.
5. In view of the above settled legal position, I am not inclined to interfere with the impugned transfer order. Accordingly, this petition is dismissed.

Sd/-
(GOUTAM BHADURI)
JUDGE