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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 7 of 2020**

(Arising out of order dated 17.12.2019 passed in Writ Petition (S) No.10728 of 2019 by the learned Single Judge)

K.B. Ware Son of Late Dayaram Ware Aged About 53 Years Presently Posted And Working As Cooperative Inspector, Office At Deputy Registrar, Cooperative Societies, Korba, District Korba Chhattisgarh

---- Appellant**Versus**

1. State of Chhattisgarh Through Secretary, Department Cooperative Societies, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District - Raipur, Chhattisgarh
2. Registrar Cooperative, Block-3, 2nd Floor, Indrawati Bhawan, New Raipur, District Raipur, Chhattisgarh

---- Respondents

For Appellant	: Shri Syed Majid Ali, Advocate
For Respondent/State	: Shri Gagan Tiwari, Deputy Government Advocate

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice**Hon'ble Shri Parth Prateem Sahu, Judge****Judgment on Board****P.R. Ramachandra Menon, Chief Justice****15.01.2020**

1. The transfer of the Appellant while working as Co-operative Inspector from the office of Deputy Registrar, Co-operative Society, Korba to the office of Assistant Registrar, Co-operative Society, Sukma was put to challenge in the writ petition bearing Writ Petition (S) No.10728 of 2019. Various grounds were raised as to the facts and figures in respect of service already rendered by the Appellant/Petitioner and also with reference to the inadequacies in respect of medical facility in the transferred place in view of the treatment of his old age mother.

2. The learned Single Judge however declined interference stating that transfer is an exigency of service and cannot be interdicted by this Court more so when it is not arbitrary nor because of any malafide action. This is under challenge in this appeal.
3. When the matter was taken up before this Court on the last occasion, it was submitted by the learned counsel for the Appellant that more than 20 years of service of the Appellant was rendered in a scheduled area and no benefit was sought for at any point of time to be shifted or posted in any other area. As per the present transfer order, he has been transferred from scheduled area to core scheduled area, which is a more difficult position and it is in the said circumstance, that interference of this Court was sought for.
4. This Court sought for instructions with regard to the above contention and to get particulars as to whether the Appellant could be accommodated in any other non-scheduled area.
5. Shri Gagan Tiwari, the learned Deputy Government Advocate submits on the basis of instructions received that, vacancies are available at Baloda Bazar, Dhamtari, Mahasamund, Balod, Bemetara, Kawardha and Raigarh. It is also stated that, if the Appellant/Petitioner files any representation in this regard, it can be considered and suitable posting, depending upon exigency in service in any of the above places would be given. We record the above submission.
6. The appeal is disposed off with liberty to the Appellant to file representation before the Competent Authority within one week; upon which, it shall be

considered and appropriate order shall be passed on the basis of submissions as aforesaid, as expeditiously as possible, at any rate within a period of two weeks thereafter.

7. The 'status quo' will continue till the matter is finalised, as above.

Sd/-

(P.R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge

Anu