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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 27 of 2020**

{Arising out of order dated 16.12.2019 passed by the learned Single Judge in Writ Petition (S) No. 10488 of 2019}

- Bharat Ram Lautre, S/o Late Ramadhin, aged about 56 years, R/o Ward No. 11, Near Chandi Mandir, Dongargarh, District Rajnandgaon, Chhattisgarh.

---- Appellant**Versus**

1. State of Chhattisgarh, through the Secretary Health and Family Welfare Department, Mantralaya, Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh.
2. The Collector, Rajnandgaon, District Rajnandgaon, Chhattisgarh.
3. The Chief Medical and Health Officer Rajnandgaon, District Rajnandgaon, Chhattisgarh.
4. The Grievances Redressal Committee, through its Principle Secretary, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh.

---- Respondents

For Appellant	:	Shri B.P. Singh, Advocate.
For Respondent/State	:	Shri Sudeep Agrawal, Deputy Advocate General.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice
Hon'ble Shri Justice Parth Prateem Sahu, Judge

Judgment on Board**Per P. R. Ramachandra Menon, Chief Justice****13.01.2020**

1. Interference declined by the learned Single Judge with regard to the order passed by the Competent Authority affirming the transfer of the Appellant/writ Petitioner is put to challenge in this writ appeal.
2. Heard Shri B.P. Singh, the learned counsel appearing for the Appellant and Shri Sudeep Agrawal, learned Deputy Advocate General for the State.

3. The Appellant was working as a 'Male supervisor' at Community Health Center Mohala District Rajnandgaon, who was sought to be transferred from Sector Murmunda, Block Development Mohala, Dongargarh to Sector Vasadi Block Development Mohla, District Rajnandgaon as per order dated 13.07.2019, which was put to challenge by filing Writ Petition (S) No. 5631 of 2019. The said writ petition was disposed off as per order dated 31.07.2019 with liberty to file a representation before the Competent Authority within 15 days and it was directed to be considered and disposed off within a further period of 45 days.
4. Pursuant to the said direction, the matter was considered and the representation came to be rejected, which was put to challenge in Writ Petition (S) No. 10488 of 2019. The main ground projected by the Petitioner was that there was total violation of 'Clause 1.6' of the transfer policy, which says that there cannot be any transfer from the place where there is deficit of employees to a place where there is excess of employees. The matter was considered by the learned Single Judge and after referring to the aforesaid Clause, the learned Single Judge observed that it was the prerogative of the Government to place any employee to have the work done, depending upon the exigency of service. It was also pointed by the State that, at the place where the Appellant/writ Petitioner was transferred, a post was lying vacant and it shows that it was not a question of any transfer to a place where there was excess staff.
5. The learned counsel for the Petitioner submits that at the place where Petitioner was working, there were 8 posts of 'Supervisors' and 7 were lying vacant. Because of the transfer of the Petitioner, there is no 'Male supervisor' at the said place and as such, the transfer requires to be interdicted. It is also submitted that the Petitioner has been working for quite long (about more than 15 years) in a scheduled area as given in paragraph-3 of the writ petition and as such, the shifting of the Petitioner from Sector Murmunda Block

Development, Dongargarh to Sector Vasadi Block Development Mohala, District Rajnandgaon, which again is a scheduled area, is not liable to be sustained; more so when he has crossed the age of 56 years. This Court is not impressed with the said submissions so as to interdict the transfer order passed by the Competent Authority on administrative exigency. It is more so, since by virtue of settled position of law, the power of this Court to interfere with transfer orders is quite limited. Transfer can be challenged only on exceptional circumstances where it is beyond the power or competence of the officer who passed the transfer or where it is based on malafides. Obviously, no such plea of malafides is raised by the Petitioner/Appellant and nobody has been impleaded in personal capacity, to substantiate the malafides, if at all any. There is no case for the Petitioner/Appellant that the authority who passed the transfer order was having no power or jurisdiction to have ordered transfer. What is the job requirement at the place, to which the Petitioner has been transferred and how many persons are to be deployed there, what will the situation at the place from where the Petitioner was transferred etc. are matters to be considered by the Government authorities concerned. This is not an aspect which is to be considered or decided by this Court in exercise of the limited jurisdiction as mentioned above.

6. We do not find any tenable ground so as to interdict the verdict passed by the learned Single Judge.
7. Appeal fails. It is dismissed accordingly.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge