

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 438 of 2021

1. Dilip Kumar Ratre S/o Late Shri Fattelal Ratre Aged About 49 Years R/o H.No. 29, Nilgiri-I (D), Kharun Greens, Kumhari, District Durg, Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh (Through Secretary, Department of Energy) Irrigation Colony, Shanti Nagar, Raipur, District Raipur, Chhattisgarh.
2. Chhattisgarh State Power Distribution Company Limited (Through The Chairman) Vidyut Seva Bhavan, Danganiya, Raipur, District Raipur, Chhattisgarh.
3. General Manager (Human Resource) Chhattisgarh State Power Distribution Company Limited, Danganiya, Raipur, District Raipur, Chhattisgarh.

---Respondents

For Petitioner	:	Shri Pankaj Singh, Advocate.
For State	:	Shri Rahul Jha, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

21.01.2021

1. Challenge in the present writ petition is to the order of transfer dated 29.12.2020 whereby the petitioner has been transferred from Durg to Kawardha.
2. On a query being put, the counsel for the petitioner intimated that the petitioner has been working at Durg for the past two years i.e. he has been working at Durg since 04.10.2018. Moreover, the distance between the two places is also not much. The only ground raised by the petitioner assailing the order of transfer is the ban which was imposed by the respondents in the light of the Covid-19 Pandemic.
3. This court is of the opinion that the ban which was imposed by the respondents at the relevant point of time was keeping in view the total lock down situation that was prevailing in the entire State during the said period and it was expected that the officials of the respondents would not transfer their employees or other officers unnecessarily. Things are not the same

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what it was when the ban order was passed by the authorities, the situation has improved considerably and substantially. The situation is moving towards normalization. The functioning of the respondents establishment also has started normally.

4. Under the circumstances the petitioner at this juncture cannot press hard upon the circular issued by the authorities banning the transfer. Moreover, the law so far as to challenge to an order of transfer is by now well settled. The same can only be interfered in the event of the order of transfer being contrary to the service rules or have been acted with malafide. In the instant case there does not seem to be any strong case of malafide or the order of transfer being contrary to the service rules. Admittedly, the services of the petitioner is a transferable service. Under the circumstances, this court does not find any strong case calling for an interference with the impugned order of transfer.
5. Reluctance of this court to interfere with the order of transfer would not preclude the petitioner from approaching the higher authorities in the department by way of a suitable representation, in addition to what has already been made, seeking for any modification/cancellation or amendment in the order of transfer so far as the place of posting is concerned. On such representation being filed, the authorities are expected to decide the same in accordance with rules governing the filed at the earliest preferably within a period of 60 days from the date of receipt of representation.
6. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge