

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 466 of 2021**

V. K. Aharwar S/o. Shri Durga Prasad Aharwar Aged About 50 Years
Working As Rural Horticulture Extension Officer, At Office Of Dy. Director
Horticulture, Jagdalpur, District- Bastar (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Agriculture Development
And Farmer Welfare And Bio-Technology Department, Mahanadi Bhawan,
Atal Nagar, Nawa Raipur (Chhattisgarh)
2. Dy. Director Horticulture, Jagdalpur, District- Bastar (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Somkant Verma, Advocate
For State	:	Ms. Akansha Jain, Dy. GA

Hon'ble Shri Justice P. Sam Koshy
Order on Board

10/02/2021

1. The present writ petition has been filed assailing the order Annexure P-1
whereby the representation preferred by the petitioner against the order of
transfer dated 23.08.2019 has been rejected.
2. Present is a second round of litigation. The first round of litigation was WPS
6929/2019 which was disposed of by this Court on 04.09.2019 with an
interim protection directing the petitioner to prefer a representation to the
respondent authorities and respondent authorities in turn were directed to
consider and decide the representation and as long as the representation
was not decided the petitioner should not be disturbed from the said place.

3. Pursuant to the disposal of the aforesaid writ petition respondents now after a period of more than 15 months have passed the impugned order Annexure P-1 dated 08.02.2020 and during all these period the petitioner was permitted to discharge his duties at the present place of posting i.e. at Jagdalpur.
4. On a query being put to the learned counsel for the petitioner, he submits that at the present place of posting i.e. at Jagdalpur the petitioner has been working for a period of 7 years and at Baster Region the petitioner has put in about 17 years of continuous service.
5. The aforesaid factual matrix alone forces this Court to reach to a conclusion that there is hardly any scope for interference left with the order of transfer that was issued as early as on 23.08.2019 against which a representation was pending before respondent authorities and which now stands rejected.
6. As regards the contention of the petitioner of the Policy of the State Government envisaging posting of employees posted at scheduled area to a non scheduled area, this Court is of the opinion that those policies have to be taken note of and implemented as far as possible but there are certain circumstances which compel the State Authorities of posting Officer from one scheduled area to another scheduled area because of the administrative exigencies and availability of the officers etc.
7. Moreover, Supreme Court, as also this Court in a catena of decisions have held that transfer policies are only guidelines for transfer framed by the State Government which do not have statutory force of law and those have to adhered to as far as possible. This by itself means that those are not mandatory. Considering the period of service rendered by the petitioner at the present place of posting, no case for interference has been made out

by the petitioner to the rejection of the representation. The writ petition thus being devoid of merits deserves to be and is accordingly rejected.

8. However, in case if the petitioner wants place of posting in a scheduled area in terms of the policies of the State Government the petitioner would be free to move appropriate representation to the authorities concerned for a suitable posting and which on made the respondent authorities would be free to decide the representation on its own merits in accordance with the policies governing the field.

Sd/-
(P. Sam Koshy)
Judge

Rohit