

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 789 of 2021**

1. Pramod Kumar Shukla S/o Late Shri Tribhuvan Prasad Shukla Aged About 58 Years Assistant Engineer Project, Sub Division , Balrampur , Chhattisgarh State Power Distribution Company Ltd. District Balrampur Ramanujganj Chhattisgarh. ---- **Petitioner**

**Versus**

1. The Chhattisgarh State Power Distribution Company Ltd. Through The Managing Director , Raipur , District Raipur Chhattisgarh.
2. The General Manager (Hr) Chhattisgarh State Power Distriction Company Ltd. District Raipur Chhattisgarh. ---- **Respondents**

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For Petitioner : Mr. Ashok Kumar Shukla, Advocate.

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**Hon'ble Shri Justice P. Sam Koshy****Order on Board****24/02/2021**

1. The challenge in the present writ petition is to the order Annexure P/1 dated 14.01.2021 transferring the petitioner from Ambikapur to Manendragarh.
2. The challenge has been made mostly on the ground of the same being in-violation of Transfer Policy applicable under the respondents. According to the petitioner, he has got only a few years of service left for his retirement; at this juncture if the petitioner is disturbed, the petitioner would be put to irreparable loss.
3. It is also the contention of the petitioner that as of now he has put in only about two years of service left at present place of posting and the policy speaks of retaining an employee at same place for minimum of five years before being transferred unless there is a

complaint against an employee, which in the instant case, there is none.

4. Further contention of the petitioner is that since the petitioner has been working under the respondents in a schedule area for a considerable period of time, the respondents ought to have sought the option of the petitioner for a choice of place of posting in-terms- of the Policies of Transfer applicable in the Department.
5. The law so far as transfer is concerned is by now well settled by a catena of decision both by the Hon'ble Supreme Court as also by this High Court wherein it has been repeatedly held that transfer is an incident to service, whatever guidelines and instructions that have been issued by the Government so far as transfer is concerned, they are only guidelines and do not have any force of law, they are to be followed as far as possible. The only recourse available to the employee if the employee is aggrieved by an order of transfer is to move an appropriate representation to the authorities concerned seeking for a change of place posting or raising ground which according to the petitioner adversely is affecting his interest.
6. The above being the legal position, this Court considering the fact that the petitioner has already put in more than two years of service at the present place of posting. There is hardly any scope of interference made out for interfering with the impugned order of transfer. Moreover, two places also are adjoining and the distance also is not too far a distance which can cause an irreparable loss to the petitioner or any great inconvenience as such.

7. Thus, this Court finds it difficult to interfere with the impugned order.

However, the right of the petitioner stands reserved to approach the authorities concerned which he has already availed by making a representation Annexure P/8 dated 22.01.2021 highlighting all his personal inconveniences.

8. Since the petitioner has already approached the authorities concerned, it is expected that the respondent No.2 to whom the representation has been made, shall duly consider the same in accordance with the Rules and guidelines governing the field and shall also consider the contents of the representation that the petitioner has made at the earliest preferably within a period of 45 days from the date of receipt of copy of this order.

9. The writ petition accordingly stands disposed of.

Sd/-  
(P. Sam Koshy)  
**Judge**

Jyotijha