

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 1665 of 2021

1. Sandeep Gorla S/o Late Ramalya Gorla Aged About 33 Years Working As Rural Agriculture Extension Officer At Jagdalpur, District- Baster (Chhattisgarh).

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Agriculture Development And Former Welfare and Bio-Technology Department, Mahanadi Bhawan, Atal Nagar, Nawa Raipur (Chhattisgarh).
2. Deputy Director Agriculture, Jagdalpur, District- Baster (Chhattisgarh).
3. Sub-Divisional Officer, Jagdalpur, District- Baster (Chhattisgarh).

---Respondents

For Petitioner	:	Shri Somkant Verma, Advocate.
For Respondent State	:	Ms. Akanksha Jain, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09.04.2021

1. The present writ petition has been filed against the order dated 05.01.2021 whereby the representation preferred by the petitioner against the order of transfer has been rejected.
2. The facts of the case in brief is that the petitioner working on the post of Rural Agriculture Extension Officer stands transferred vide order dated 22.08.2019 from the office of Senior Agriculture Development Officer, Block Bakawand, District Bastar to the office of Deputy Director, Agriculture, District Dantewada. The said order of transfer was subjected to challenge in WPS No.6814 of 2019 which got disposed of on 30.08.2019 whereby this court had granted liberty to the petitioner to prefer a representation before the authorities concerned with an interim protection that the petitioner should not be relieved from the present place of posting till his representation is finally decided.
3. The petitioner subsequently made a representation, however, the same got rejected vide order dated 03.12.2019. The petitioner again filed WPS

No.1381 of 2020 which came up for hearing before this court on 02.03.2020 and this court again setting aside the order dated 03.12.2019 remitted back the matter for the authorities for reconsidering the representation of the petitioner afresh. The authorities concerned now have passed the impugned order dated 05.01.2021 rejecting the representation stating that the original transfer order dated 22.08.2019 was passed on the basis of administrative exigency.

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 8 years.
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 22.08.2019 against which representations were rejected holding that the same was passed on account of administrative exigency.
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

inder