

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (SERVICE) NO. 1970 OF 2021**

- Shiv Shankar Navik, S/o Late Matarram Navik, aged about 54 years, presently posted and working as Sub Divisional Forest Officer, Mahasamund Forest Division, Mahasamund, District Mahasamund (CG)

... Petitioner**versus**

1. State of Chhattisgarh, through the Principal Secretary, Department of Forest, Mahanadi, Mantralaya, Naya Raipur, Atal Nagar, Post Office & Police Station, Naya Raipur, Atal Nagar, District Raipur (CG)
2. Principal Chief Conservator of Forest, Chhattisgarh, Naya Raipur, Atal Nagar, Post Office & Police Station, Naya Raipur, Atal Nagar, District Raipur (CG)
3. Chief Conservator of Forest, Raipur Circle, Raipur (CG)
4. Divisional Forest Officer, Forest Division, Mahasamund, District Mahasamund (CG)
5. Rakesh Chaubey, Assistant Conservator of Forest, Mahasamund Forest Division, Mahasamund, District Mahasamund (CG)

... Respondents

For Petitioner : Mr. B.D. Guru, Advocate.

For Respondents/State : Mr. Rahul Jha, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****17/06/2021**

1. Aggrieved by the order of transfer, dated 6.3.2021, whereby the Petitioner has been transferred from the post of Sub Divisional Forest Officer, Forest Division Mahasamund, District Mahasamund to the post of Assistant Director, Torenga, Udanti, Sitanadi Tiger Reserve, District Gariyaband, the present Writ Petition has been filed.

2. The primary two grounds raised by Petitioner for challenging the transfer order is that firstly the Petitioner from the transferred place is being replaced by an officer who is much junior to him and the second ground on which the Petitioner assails the order of transfer is that he has been at the present place of posting, i.e., at Mahasamund, only for a short tenure of 1½ years whereas at least the normal period of 3 years should had been granted to him. It was

also the contention of Petitioner that the Respondent authorities could not have posted the Respondent No.5 at the place where the Petitioner was working considering the fact that the Respondent No.5 was a much junior officer in the cadre.

3. Learned Counsel for State on the other hand submitted that the transfer policy of the State Government does not in any manner preclude the State Government from transferring a person who has remained at the place of posting for more than one year. Moreover, according to learned Counsel for State, it is only a transfer order passed on administrative exigency taking into consideration the requirement of the work at the particular place. It was also the contention of learned State Counsel that the ground of Petitioner of the order of transfer being to accommodate Respondent No.5 cannot be accepted for the reason that a plain perusal of the transfer order would show that there are around 80 persons who have been transferred and in the process the Petitioner also happens to be one of them. Thus, it is not the case of an order of transfer passed in isolation. Lastly, it was contended by learned State Counsel that there is hardly any scope of interference for the High Court under Article 226/227 of the Constitution of India with the order of transfer unless the order of transfer is contrary to service rules or there are malafides alleged against the officers in the course of transfer.

4. Having heard the contentions put forth on either side and on perusal of record, admittedly, the Petitioner had been working at the present place of posting since 23.8.2019 which by itself means that he has put in more than 1½ years of service at the present place of posting. Undoubtedly, the transfer is an incident to service. It is not the case of Petitioner that the transfer is in any manner contrary to service rules and regulations governing the field; nor is it the case of Petitioner that as a consequence of transfer, his service conditions

are going to get adversely affected in any manner. Petitioner also does not highlight any malafide against the Respondents except for an allegation of the order of transfer being to accommodate Respondent No.5. The transfer order would show that it is issued on administrative exigency and where there was a change of posting or transfer effected upon 80 other officers of the Forest Department and the Petitioner happens to be one of them. Thus, for all these reasons, this Court does not find any strong ground calling for an interference with the impugned order of transfer.

5. Reluctance of this Court in interfering with the order of transfer would not preclude the Petitioner to approach the Respondent authorities by way of a representation ventilating his grievance and also seeking for a change in the place of posting if he is aggrieved of the place where he has been posted by the impugned order of transfer.

6. Writ Petition stands dismissed with the aforesaid observations.

Sd/-
(P. Sam Koshy)
JUDGE

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