

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 4152 of 2021

1. Devendra Kumar Son Of Shri Sukhdev Ram Aged About 41 Years Working As Assistant Grade-2, General Election Office, Baikunthpur, District- Korea (Chhattisgarh).

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, General Administration Department, Mahanadi Bhawan, Mantralaya Atal Nagar, New Raipur, District - Raipur (Chhattisgarh).
2. The Collector And District Magistrate Baikunthpur, District- Korea (Chhattisgarh)
3. The Upper Collector Baikunthpur, District - Korea (Chhattisgarh)
4. The Incharge Officer Local Election, District Office, Korea, Baikunthpur, District - Korea (Chhattisgarh)

---Respondents

For Petitioner	:	Shri Rahul Mishra, Advocate.
For State	:	Shri Ishan Verma, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

10.08.2021

1. Aggrieved by the order dated 12.07.2021 the present writ petition has been filed. Vide the impugned order, the place of posting of the petitioner has been shifted from General Election Office, Baikunthpur to the office of Tehsildar Khadgawa.
2. The contention of the petitioner is that the same is in contravention of the transfer policy of the State Government.
3. A bare perusal of the impugned order would reveal that the impugned order is an order of distribution of work and shifting of place of posting to various employees under the Collectorate, District Korea. The impugned order is just not confined to that of the petitioner. Overall 27 employees of the District Collectorate have been shifted from one place to the other. The District Collector has clearly mentioned that the order of transfer has been made on administrative exigency on the basis of need of the hour

and also to ensure smooth functioning of the office under the Collectorate. There is no malafides attributed to the order of transfer, competency of the authority in issuing the order is also not under challenge, neither is the ground that the order of transfer or change of place of posting is contrary to the service rules. Admittedly the services of the petitioner is a transferable job.

4. Given the aforesaid facts and also appreciating the legal position as it stands that unless the order of transfer is contrary to the service rules or is in any manner adversely affecting the service conditions of the petitioner, the same would not be entertained as a matter of routine by the writ court, thus this court is of the opinion that no strong case is made out calling for an interference with the impugned order. That for the inconvenience on the change in the place of posting, the only recourse available for an employee is to represent before the authorities concerned highlighting the inconveniences and right to challenge the outcome of the same would still remain open for the petitioner.
5. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge