

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (SERVICE) NO. 4877 OF 2020**

Bhupendra Kumar Dahariya, S/o V.P. Dahariya, aged about 41 years, Profession - Government Job ADPO at Assistant District Prosecution Office, Pakhanjur, District Kanker, Chhattisgarh, PIN 494776.

... Petitioner**versus**

1. State of Chhattisgarh, through its Secretary, Home Department, Mahanadi Bhawan, Atal Nagar, New Raipur, District Raipur (CG)
2. The Director, Directorate of Public Prosecution Office, Indrawati Bhawan, Atal Nagar, New Raipur, District Raipur (CG)

... Respondents

For Petitioner	:	Mr. Ravi Maheshwari, Advocate.
For Respondents/State	:	Mr. V.R. Tiwari, Addl. Advocate General.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****25/01/2021**

1. The present Writ Petition has been filed by the Petitioner seeking appropriate direction to Respondents to consider his case for being transferred and posted at a non-scheduled area, for the reason that he has been working in the scheduled area for last many years.
2. At the outset, this Court is of the opinion that such relief cannot be claimed invoking the writ jurisdiction of this Court under Article 226/227 of the Constitution of India. Apparently, as on date there is no order issued by the Respondents which infringes any of the rights conferred upon the Petitioner personally or liberty or any other service conditions. The present Writ Petition seems to be on the basis of the transfer policy issued by the State Government. Just because there is a transfer policy of the State Government that does not mean that the Petitioner gets indefeasible right of claim for transfer at a particular place for a particular period of time.
3. So far as transfer is concerned, it is now a well settled preposition of law and the same is exclusively within the domain of the State Government or, for that matter, the employer to decide the place of posting or tenure of the posting etc. Petitioner does not have the right to claim for a particular place of posting. If at all, if the Petitioner has any personal inconvenience at his place of posting, the only

option for him is to approach the concerned authorities by making a suitable representation which on the Petitioner's making, the Respondents are expected to decide the same in accordance with law.

4. With the aforesaid liberty to the Petitioner, the Writ Petition stands disposed of.

/sharad/

Sd/-
(P. Sam Koshy)
JUDGE