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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR
(C.G.)

W.P.S. No. 1118 /2011

PETITIONER

: R.R.Lehrey S/o Umarrao Lehrey
 Aged about 58 yrs Executive Officer
 Zila Antyavasai Sahkari Vikas
 Samiti Ltd. Durg R/o
 Padmnabhpuram Durg (C.G.)

Versus**RESPONDENTS**

- : 1. State of Chhattisgarh,
 Through- Its Secretary,
 Department of S.T.S.C., O.B.C.,
 Minority, D.K.S.
 Bhawan , Raipur (C.G.)
2. Managing Director, Chhattisgarh
 State Antyavasai Sahkari Vitta
 Evum Vikas Nigam Ltd.
 B-9, Sector 5, Devendra Nagar,
 Raipur (C.G.)
3. Collector Durg Collectorate Durg
 District Durg (C.G.)

P.R. No. 1069/2011
 Present. by Mr. R. J. Chawkey
 dated. 18/2/2011



WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION
OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF MANDAMUS
AND OTHER SUITABLE WRIT OR WRITS, DIRECTION OR
DIRECTIONS, ORDER OR ORDERS.



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HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) No. 1118 of 2011

PETITIONER : R.R.Lehrey.
VERSUS
RESPONDENTS : State of Chhattisgarh & Others.

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

SB: Hon'ble Shri Satish K. Agnihotri, J.

Present: Shri Neeraj Choubey, Advocate for the petitioner.
Shri N.N.Roy, Panel Lawyer for the State/respondent No. 1&3.

ORDER (ORAL)

(Passed on 28th day of February, 2011)

1. By this petition, the petitioner seeks a direction to the respondent authorities to consider and decide his representation dated 05.02.2011 and further, to quash the order dated 22.12.2010 (Annexure P/5) issued by the respondent No. 2 whereby the petitioner, Executive Officer, District Society, Durg, has been transferred to District Dhamtari.
2. Learned counsel appearing for the petitioner submits that after joining at Durg District on 19.7.2010, pursuant to the order dated 15.7.2010 (Annexure P/2). Thereafter, within a short span of time, the petitioner has again been transferred and posted at Dhamtari vide order dated 22.12.2010 (Annexure P/5). Shri Choubey further submits that the impugned transfer order has been passed with an ulterior motive and is against the policy of the State. Shri Choubey next contends that the action of the respondent authorities are malafide, arbitrary and abuse of power.



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3. Heard learned counsel appearing for the petitioner, perused the pleadings and documents appended thereto.
4. On perusal of the order dated 15.7.2010 (Annexure P/3) it is evident that the petitioner, while posted at Dhamtari, was having the additional charge of District Durg, and by the said order, he was posted at Durg and was given the additional charge of District Dhamtari. Thereafter, by order dated 22.12.2010, the order dated 15.7.2010 on account of administrative exigency was amended, and the petitioner was again posted at Dhamtari, the charge of which he was already holding additionally. Thus, in the aforesaid facts and circumstances, the transfer and posting of the petitioner from Dhamtari to Durg and vice versa, does not come within the purview of frequent transfer.
5. It is well-settled that transfer is an incidence of service and it is for the employer to decide as to where a particular officer/employee be posted, keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere with the transfer matter except in the cases of proved *mala fide*, non-competence of authority passing the transfer order and not being in conformity with the rules and regulations.
6. The petitioner has failed to establish and prove his contentions, except making selfsame statement. The petitioner/employee cannot be permitted to remain at one place forever. Under the provisions of service rules, employer has all the powers to post an employee at a particular place in view of public interest and administrative



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exigency. (See *E.P.Royappa v. State of Tamil Nadu and another*¹, *Union of India and another v. Janardhan Debanath & another*², *State of M.P. and another v. S.S.Kourav and others*³ and *Mohd. Masood Ahmad v. State of U.P. & Others*⁴).

7. The Supreme Court, in *Airports Authority of India v. Rajeev Ratan Pandey & Others*⁵, held that "In a matter of transfer of a government employee, scope of judicial review is limited and the High Court would not interfere with an order of transfer lightly, be it at interim stage or final hearing. This is so because the courts do not substitute their own decision in the matter of transfer".
8. Even otherwise, there is no challenge to the impugned order on any permissible legal grounds as aforestated, warranting interference.
9. For the reasons as aforestated, the petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

¹ 1974 (4) SCC 3
² (2004) 4 SCC 245
³ (1995) 3 SCC 270
⁴ (2007) 8 SCC 150
⁵ (2009) 8 SCC 337