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**IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT
BILASPUR (C.G.)**

WRIT PETITION (S) NO. 4119 OF 2011

PETITIONER :

^{✓ Navarang}
Mahettar Lal Norang, Son of Shri
Chheduram Norang, aged about
50 years, presently posted as
Patwari at Tehsil Bilaigarh,
resident of Village Bhatgaon,
Tehsil Bilaigarh, District Raipur,
Chhattisgarh

P.R. No. 4415/2011
Presented by Sd/- Vinod Deshmukh
dated 26/7/2011

VERSUS

RESPONDENTS :

1. State of Chhattisgarh:
Through: Secretary, Revenue
Department, D.K.S. Bhawan,
Raipur, Chhattisgarh
2. Collector, Raipur, Chhattisgarh
3. Sub-Divisional Officer, Office of
Sub-Divisional Officer Bilaigarh,
District Raipur, Chhattisgarh

**WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA**



HIGH COURT OF CHHATTISGARH : BILASPUR

WRIT PETITION (S) NO.4119 OF 2011

PETITIONER

Mahettar Lal Navarang

Versus

RESPONDENTS

State of Chhattisgarh & Others

(Writ Petition under Article 226 of the Constitution of India)

Single Bench : Hon'ble Shri Satish K. Agnihotri, J.

Present :- Shri P.S. Koshy, Advocate with Shri Vinod Deshmukh, Advocate
for the petitioner.

Shri Arun Sao, Govt. Advocate for the State.

ORDER (ORAL)

(Passed on this 29th day of July, 2011)

1. Heard learned counsel for the parties.
2. By this petition, the petitioner seeks to challenge the legality and validity of the order dated 14/15-7-2011 (Annexure – P/1) passed by the respondent No.2 whereby the petitioner has been transferred from Tahsil Bilaigarh to Tahsil Palari, District Raipur.
3. Learned counsel appearing for the petitioner submits that the impugned transfer order suffers from malaise of frequent transfers, as by order dated 9-10-2009 the petitioner was transferred from Bilaigarh to Kasdol and thereafter, within a period of six months the petitioner was transferred from Kasdol to Girsra by order dated 15-5-2010 and again by the impugned order dated 14/15-7-2011 the petitioner has been transferred from Tahsil Bilaigarh to Tahsil Palari, District Raipur. Thus, this petition.
4. Two transfer orders, which are passed within a period of two years, cannot come within the purview of frequent transfers. Frequent transfer means, an employee is transferred frequently on several occasions. The grievance of the petitioner that the impugned order comes within the ambit of a frequent transfer, is not well established and not sustainable in law. There is no allegation on the part of the petitioner that there was any *mala fide* exercise of power or the

officer has no competence to pass the impugned order and/or the impugned order is violative of statutory rules and regulations.

5. Be that as it may, it is a trite law that transfer/posting is an incidence of service. The Court should not interfere with the transfer/posting order unless there is malice, infringement of statutory rules and regulations. In the case on hand, the petitioner has failed to establish any of the aforestated grounds. The employee may be posted anywhere at the instance of the employer in public interest and administrative exigency. Further, it is for the Government to post another person if any vacancy arises on account of transfer/posting of an employee. Thus, the impugned order warrants no interference. (See *E.P. Royappa v. State of Tamil Nadu and another*¹, *Shilpi Bose (Mrs.) and others v. State of Bihar & another*², *State of M.P. and another v. S.S.Kourv and others*³, *Mohd. Masood Ahmad v. State of U.P. & Others*⁴ *Chief Commercial Manager, South Central Railway, Secunderabad & Others v. G. Ratnam & Others*⁵ and *Airports Authority of India v. Rajeev Ratan Pandey & Others*⁶).
6. Applying the well-settled principles of law to the facts of the case on hand and for the reasons mentioned hereinabove; there is no merit in the case.
7. For the reasons as aforestated, the petition, being bereft of merit, is liable to be and is hereby dismissed at the motion stage itself.

Gowri

**Sd/-
Satish K. Agnihotri
Judge**

¹ 1974 (4) SCC 3

² (1991) Supp 2 SCC 659

³ (1995) 3 SCC 270

⁴ (2007) 8 SCC 150

⁵ (2007) 8 SCC 212

⁶ (2009) 8 SCC 337