

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P.(S) No. 2732 of 2015**

Smt. Amrita Bada W/o Shri Rajkumar Yadav Aged about 35 years,
R/o Ghanshyam Nagar (Tapkara), Post & Thana Tapkara, Tahsil-
Farsabahar, District Jashpur, (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh Through: The Secretary, Panchayat & Rural Development, Department Mahanadi Bhawan, New Raipur, (Chhattisgarh)
2. Chief Executive Officer, Zila Panchayat Jashpur, District Jashpur, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat, Farsabahar, District Jashpur, (Chhattisgarh)
4. Shri Jagannath Jaiswal, Panchayat Secretary, Gram Panchayat Farsabahar, Janpad Panchayat Farsabahar, Post & Thana Farsabahar, District Jashpur, (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri S. K. Verma, Advocate
For Respondent	:	Shri P. K. Bhaduri, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****31/07/2015**

The petitioner through the present writ petition has challenged the order dated 20.07.2015 Annexure P-1 whereby the representation of the petitioner has been rejected and his transfer order dated 23.05.2015 has been maintained.

2. Counsel for the petitioner submits that the said impugned order is bad in law for the reason that the earlier writ petition i.e. W.P.(S) No. 2143 of 2015 has not been complied with by the authority in its letter and spirit and they have passed the impugned order in a mechanical manner contrary to the directives given by the Court. He submits that the representation, in fact, has not been decided and only as an interim arrangement the transfer order has been affirmed by the authority concerned, as it so reflects from the impugned order and therefore prays for quashing of the said order.

3. State counsel opposing the petition submits that firstly the order of transfer does not warrant any interference for the reason that this Court on the earlier round of writ petition had left it for the authority to decide the representation on its own merit and a plain reading of the order dated 20.07.2015 Annexure P-1 would reveal that the case of the petitioner has in fact been duly considered in as much as he has also been given a personal hearing. He further submits that considering the facts and circumstances of the case, the authority concerned has come to the conclusion that the earlier transfer order dated 23.05.2015 does not warrant any interference and therefore there is no scope of further judicial review in the said order passed by the authority concerned.

4. This Court vide its order dated 22.06.2015 while disposing the W.P.(S) No. 2143 of 2015, in paragraph-5, in very specific term held as under:

“It is settled 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. The employees 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. [See 1974 (4) SCC 3 (E.P. Royappa v. State of Tamil Nadu and another), (1991) Supp 2 SCC 659 (Shilpi Bose (Mrs.) and others v. State of Bihar & another), (1995) 3 SCC 270 (State of M.P. And another v. S.S. Kourv and others, (2007) 8 SCC 150 (Mohd. Masood Ahmad v. State of U.P. & others, (2007) 8 SCC 212 (Chief Commercial Manager, Sough Central Railway, Secunderabad & others v. G. Ratnam & others).”

5. This itself clearly reflects that the writ Court at that point of time also was not inclined to interfere with the transfer order under challenge. However, it was left open for the Authority to consider the representation made by the petitioner on its own merit which the authority concerned decided vide impugned order dated 20.07.2015.

6. Considering the facts and circumstances of the case, this Court is of the opinion that no good ground has been made out by the petitioner in challenging the impugned order and this Court also does not find any illegality or infirmity committed by the authority concerned while passing of the impugned order in exercising its administrative powers.

7. Thus, the instant writ petition being devoid of merit deserves to be and is accordingly dismissed.

Sd/-
P. Sam Koshy
Judge