
(2009) 07 CHH CK 0035
In the Chhattisgarh High Court
Case No : Writ Petition (S) No. 5693 of 2006

Dr. S. Jahiruddin	Vs	APPELLANT
State of C.G. and Others		RESPONDENT

Date of Decision : 27-07-2009

Acts Referred:

Citation : (2009) 3 CGLJ 263

Hon'ble Judges : Pritinker Diwaker, J

Bench : Division Bench

Advocate : Avinash K. Mishra, for the Appellant; Smitha Ghai, Panel Lawyer for Respondent Nos. 1 and 3 and Vishnu Koshta, for the Respondent

Final Decision : Dismissed

Judgement

Pritinker Diwaker, J.—In the present petition, the Petitioner is assailing the legality and validity of the order dated 24.7.2006 passed by the Respondent No. 1 transferring him from the post of in-charge Deputy Director, Veterinary Health Services, Dantewada to Block Bakawand, District Bastar. The Petitioner further challenges the order dated 25.7.2006 passed by Respondent No. 3 relieving him consequent to the order dated 24.7.2006. Petitioner also challenges the order dated 22.7.2006 passed by Respondent No. 3 directing him to hand over the charge of the post of Deputy Director to one D.S. Sori, Deputy Collector.

2. Counsel for the Petitioner submits that the Petitioner was posted as in-charge Deputy Director, Veterinary Health Services, Dantewada, on 26.11.2005 vide Annexure P-7 and as he had started taking work from his junior officers, some of them got annoyed with him and made a complaint against him to the State Government. After receiving the complaints, the inquiry officer was appointed; Petitioner was issued show cause notice which was duly replied to by him. It is further submitted that the Petitioner has been harassed just because he belongs to a minority community. It is submitted that Respondents No. 1 and 2 have succumbed to the pressure of certain officers and that is why the Petitioner has been transferred. It is submitted that the complaints were made by the persons

belonging to Bajrang Dal and Vishwa Hindu Parishad against the Petitioner as a result of which he has been transferred and thus the action of the Respondents transferring the Petitioner is punitive in nature. It is further submitted that the transfer of the Petitioner has not been done in administrative exigency and that in the inquiry report there is nothing against the Petitioner and thus it is clear that the complaints made against the Petitioner were bogus and the same have been made just to ensure his transfer.

3. On other hand counsel for the Respondents/State submits that the transfer order has been passed in administrative exigency and it being an incidence of service cannot be assailed by the Petitioner. It is submitted that the petition has been filed by the Petitioner on imaginary grounds that he was harassed as he belongs to a minority community. It is further submitted that there were number of complaints against the Petitioner and his continuance at Dantewada had become a major impediment in the smooth functioning of the entire Veterinary Department at Dantewada. It is further submitted that due to the act of the Petitioner, entire subordinate staff of the department had decided to tender their resignation. Respondents/State have categorically denied the allegation of the Petitioner that he has been transferred as a result of political influence.

4. Likewise, Respondent No. 4 has also denied the allegations levelled by the Petitioner against him. On behalf of Respondent No. 4 it is submitted that transfer order of the Petitioner has been passed by the State Government strictly in accordance with law.

5. Heard counsel for the respective parties and perused the material available on record.

6. Admittedly, the Petitioner has not made any specific allegation against any individual. Moreover, the Petitioner has also not impleaded any individual making specific allegation against him nor has he alleged any specific mala fide against any individual. It is trite law that if for any administrative reason someone has to be shifted, the State Government is free to pass such order. There is nothing on record to show that the Petitioner has been harassed for the reason that he belongs to a minority community and in the absence of any relevant document to show the allegation of mala fide against any individual the allegation made by the Petitioner cannot be accepted. Contention of the Petitioner that in the inquiry report nothing was found against the Petitioner does not give him any ground for cancellation of the impugned transfer order because from the record it is clear that entire office staff where the Petitioner was working had made a complaint against him and many had tendered their resignation in protest against the attitude of the Petitioner. Even otherwise, which person should be posted where is the outlook of the superior officers and the claim of the Petitioner to be posted at a particular case has no limbs to stand. This apart, law in respect of transfer of government employees is well settled that on administrative exigency any incumbent can be transferred at any time so as to ensure smooth administrative functioning of the concerned department.

7. Thus in view of the aforesaid discussion, this Court is of the view that the order impugned does not suffer from any arbitrariness or illegality and therefore no interference with the same is called for. Accordingly, the petition being without force is liable to be dismissed and it is hereby dismissed.

8. No order as to costs.