

(2011) 02 RAJ CK 0022
In the Rajasthan High Court
Case No : Civil Writ Petition No. 1149 of 2011

Madan Singh

APPELLANT

Vs

Chief Engineer, Ground Water Department and Others

RESPONDENT

Date of Decision : 09-02-2011

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2011) 02 RAJ CK 0022

Hon'ble Judges : Govind Mathur, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Govind Mathur, J.—By this petition for writ, validity, correctness and propriety of order dated 27.1.2011 passed by Rajasthan Civil Services Appellate Tribunal, Rajasthan, Jaipur (Circuit Bench, Jodhpur) is questioned.

2. In brief, the facts of case are that the Petitioner a driver with the Respondents was attached with Senior Hydrologist, Department of Ground Water, Bikaner vide order dated 14.12.2010. By another order dated 30.12.2010, the order of attachment was cancelled and the Petitioner was attached with the Assistant Engineer, Ground Water Department, Churu.

3. The Assistant Engineer, Ground Water Department, Churu on 5.1.2011 instructed the Petitioner to report at the place of posting as he was not in need of an additional driver. Subsequent thereto, the Chief Engineer, Ground Water Department, Jodhpur passed order dated 6.1.2011 transferring the Petitioner from Churu to Bikaner. The validity of the order aforesaid was challenged by way of filing an appeal before the Tribunal.

4. The Tribunal refused to interfere with the order on the count that the Petitioner was working at Churu since 1998 and his transfer was made in administrative exigency.

5. It is submitted by learned Counsel for the Petitioner that the Petitioner is holding a post in lower hierarchy and therefore, he should not have been transferred out of the district. It is further submitted that no transfer could have been effected in the mid of educational session, as that is having arbitrary consequence.

6. I do not find any merit in the arguments advanced.

7. The post of Driver is in subordinate service and there is no statutory restriction for transfer of a driver from one district to another, as such, the transfer cannot be said bad on the first limb to challenge. So far as the another argument regarding inconvenience as a consequent to transfer in the mid sessions is concerned, suffice it to mention that such kind of issues are not open for examination for this Court. It is well-settled that the courts are not suppose to interfere with the orders of transfer until those are in violation of a statute or is an outcome of malafides or are shockingly arbitrary. The eventualities aforesaid are absent in the present case, as such, the Tribunal has not committed any wrong while rejecting the appeal. No interference of this Court while exercising the powers under Article 226 and 227 of the Constitution of India, thus, is warranted. The petition for writ is dismissed accordingly.