
(2018) 09 CHH CK 0090
In the Chhattisgarh High Court
Case No : Writ Petition (S) No. 4080 Of 2018

Shanker Bhola Mandavi

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision : 06-09-2018

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2018) 09 CHH CK 0090

Hon'ble Judges : P. Sam Koshy, J

Bench : Single Bench

Advocate : Parag Kotecha, S.P. Kale, Animesh Tiwari, Yogesh Pandey

Final Decision : Disposed Of

Judgement

P. Sam Koshy, J

1. Challenge in the present writ petition is to the order dated 12.6.2018, Annexure P-1, whereby the services of the petitioner have been transferred from Dhamtari to Kondagaon.

2. Challenge to the impugned order is on the ground that the impugned order primarily has been passed to accommodate the respondent no.5 who has been brought in place where the petitioner is working. The second ground is that the respondent no.5 is otherwise a tainted officer with lot of

allegations and complaints pending consideration before the authorities concerned. Thirdly, it was alleged that it is a case where the respondent no.5

initially had refused promotion which was offered to him on 18.4.2017 and in less than six months' time he was again reconsidered for promotion and

was granted posting at Abhanpur and within a short span of time of one year, he is again being given a choice posting disturbing the petitioner.

3. All these ground which have been raised are not sufficient enough for invoking the power of judicial review under Article 226 of the Constitution of

India. These are facts which have to be raised by the petitioner by way of representation before the employer concerned who in turn would be

required to scrutinize, consider and decide the same.

4. The law so far as transfer is concerned, it is by now well settled that unless the same has been passed in contravention to any of the statutory rule

position or has been issued in spite of prohibition of transfer under the service rules, the Courts under Article 226 of the Constitution of India would not

substitute itself as an authority of the department to scrutinize the veracity of a transfer order.

5. Accordingly, the writ petition stands disposed of with a direction that if the petitioner has till date not made a representation to the authorities he

shall be at liberty to approach the employer by filing a detailed representation against the order of transfer ventilating his grievances and the authorities

concerned are expected to decide the same in accordance with the service rules or the regulations governing the field at the earliest.

6. The writ petition accordingly stands disposed of.