

V.K. Anant Vs State Of Chhattisgarh And Ors

Court: Chhattisgarh High Court

Date of Decision: July 26, 2018

Hon'ble Judges: Sharad Kumar Gupta, J

Bench: Single Bench

Advocate: Raghvendra Pradhan, Dhiraj Wankhede

Final Decision: Dismissed

Judgement

Sharad Kumar Gupta, J

1. By this order, I.A. No. 1, application for stay of the effect and operation of the impugned order dated 16-04-2018 Annexure P-1 and communication

letter dated 25-05-2018 Annexure P-2, is being disposed of.

2. In the instant writ petition, the petitioner has sought relief that Annexure P-1 and Annexure P-2 be quashed.

3. Counsel for the petitioner vehemently argued that the impugned order Annexure P-1 is contrary to the transfer policy as his remaining service is

less than 1 year. The impugned order is mala fide because it was passed to accommodate respondent No. 5 in his place. Earlier he was transferred

from Ambikapur to Raipur by order 31-03-2018 Annexure P-6. The respondent authority deliberately transferred him to Jagdalpur. The flying squad

had been dissolved.

4. The Govt. Adv. Appearing for resp. No. 1 to 4 argued that the petitioner is in Pravartan staff and every employee of Pravartan staff is transferred

in every six months by rotation. Transfer policy of the government is not applicable to the Pravartan staff of the transport department. On 21-02-2018,

the flying squad has been dissolved and as per the direction the petitioner had given joining at Regional Transport office, Ambikapur. He had

completed six months at Ambikapur on 16-04-2018. His home town is not Ambikapur.

5. Prima facie it does not appear that the transfer policy of the State Government is applicable in the rotation of Pravartan staff of the Transport

Department. Moreover, transfer policy of the Government is advisory in nature. It has no binding force.

6. In the case is hand, prima facie it does not appear that the impugned order violates any statutory rules or regulations or it has been passed by the

authority without jurisdiction or issued with malafide intention. Prima facie it does not cause any prejudice, problem, hardship to the petitioner and it

could not be termed as illegal.

7. In the case in hand, prima facie it does not appear that the impugned order is passed on an irrelevant ground and it is passed by way of, or in lieu of

punishment.

8. Nothing is remaining to be done or not to be done under communication Annexure P/2. In other words, nothing is remained either to be operated or

executed under Annexure P/2.

9. Looking to the above mentioned facts and circumstances of the case, I.A. No. 1 is rejected.

10. Awaiting reply of the respondents on writ petition, list the matter after three weeks.