



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5975 of 2023

- Sanjay Yadav S/o Late Kanhaiya Lal Yadav Aged About 33 Years R/o Vrinda Nagar Borsi Durg, Tehsil And District Durg (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Social Welfare, Mahanadi Bhavan Nava Raipur, Atal Nagar, Raipur, District Raipur Chhattisgarh.
2. Director Socila Welfare Directorate Department Of Social Welfare Mana Camp Raipur, District Raipur (C.G.)
3. Deputy Director Department Of Social Welfare Durg Janpad Panchayat Parisar, Gandhi Chowk Durg, District Durg (C.G.)

---- Respondents

For petitioner : Mr. R.K. Gomasta, Advocate.

For Respondent/State : Mr. Lalit Jangde, Dy. Govt. Advocate.

Hon'ble Shri Justice Narendra Kumar Vyas.

Order on Board

(29-08-2023)

1. By filing this writ petition, the petitioner has challenged the impugned order dated 7-8-2023 issued by respondent No.1 whereby the petitioner has been transferred from the Department of Social Welfare Durg District Durg to the office of the Social Welfare Department, Raigarh.
2. Learned State counsel would submit that earlier the petitioner has filed WPS No 1937 of 2023 before this Court which was disposed of by this court on 16-3-2023 and thereafter he has preferred Writ Appeal No.220 of 2023 before this court wherein Hon'ble Division Bench of this court has passed the following order:

“6. Considering the above-stated facts, the present appeal is disposed off with a direction to respondents No.. 1 and 2 to transfer the appellant at any other place where the post is existing, within a period of two weeks from today”..





3. In the light of the aforesaid direction given by the Hon'ble Division Bench of this court, the State has examined the case of the petitioner and posted him at Raigarh by the impugned order 7-8-2023. This order is assailed by the petitioner in this writ petition.
4. Learned counsel for the petitioner would submit if vacant post is available nearby Durg, his case may be considered and he may be posted at Durg.
5. On the other hand learned State counsel opposes the aforesaid submissions.
6. Considering the aforesaid submissions made by the parties, considering the fact that the petitioner has already posted at Durg for seven years and further considering the law laid by the Hon'ble Supreme Court that the transfer is an exigency of service, Government employee has no right to insist to remain posted at a particular place for his entire tenure and it is for the Government to transfer an employee considering the requirement, I do not find any reason to interference in the impugned order dated 7-8-2023.
7. Accordingly, the writ petition being devoid of merit is liable to be and is hereby dismissed.

Sd/-
(Narendra Kumar Vyas)
JUDGE