IN THE HIGH COURT OF JUDICATURE FOR
RAJASTHAN AT JODHPUR.

...

S.B. CIVIL WRIT PETITION NO.4484/2005

Ram Sukh Bhadu

Versus

The State of Rajasthan and ors.

Date of Order : 29.7.2005

PRESENT

HON'BLE MR. JUSTICE R.P. VYAS

Mr. R.S. Saluja, for the petitioner/s

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The present writ petition under Article 226 of the constitution of India has been filed by the petitioner with a prayer that the impugned order of transfer dtd. 11.7.2005 (Annex.-9) may be quashed and set aside qua the petitioner.

The main submission of learned counsel for the petitioner is that the petitioner has been subjected to frequent transfer within a two years and lastly the petitioner has been transferred vide order dated 17.6.2005 (Annex.-7). The petitioner submitted a representation against aforesaid transfer order, on which the transfer

order was cancelled vide order dated 25.6.2005 (Annexure-8). Now the petitioner has again been subjected to transfer vide order dated 11.7.2005 (Annexure-9) from Sujangarh to Dungargarh, Distt. Bikaner.

The learned counsel for the petitioner submits that the petitioner is working as Gram Sewak and the seniority of Gram Sewak is maintained district-wise and if he is transferred to another district, he will lose his seniority.

The further contention of the learned counsel for the petitioner is that he has been transferred at the behest of respondent No.3 with malafide intention.

During the course of argument, it has been requested by the learned counsel for the petitioner that the competent authority be directed to consider the representation of the petitioner. Since the request of the petitioner is only for consideration of the representation, therefore, the instant petition is disposed of at this stage by giving a direction to the competent authority to consider the representation of the petitioner in accordance with law only.

Thus, this writ petition filed by the petitioner is disposed of in the manner that the petitioner is directed to file a fresh representation within a period of one week from today and the competent authority is directed to consider and decide the same either way in accordance with law within a period of 15 days from the date of receipt of the said representation. If it is found that the petitioner is entitled for any relief in accordance with law, then the same may be given to the petitioner and if the petitioner is not found entitled to the relief sought for, then a reasoned and speaking order strictly in accordance with law may be passed.

Meanwhile, the effect and operation of the order dated 11.7.2005 (Annex.-9) qua the petitioner, shall remain stayed, till the decision of the representation filed by the petitioner.

(R.P.VYAS)J.

Rm/