

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

JUDGMENT

Ghanshyam Dass Gupta Vs. Jaipur Vidyut Vitran
Nigam Limited & ors.

D.B. Civil Special Appeal (Writ) No.1218/2009.

IN

SB CIVIL WRIT PETITION NO.13838/2006.

Date of Judgment : 28th February, 2011.

PRESENT

HON'BLE THE CHIEF JUSTICE MR. ARUN MISHRA
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE

Mr. S.K. Gupta for the appellant.
Mr. Abhishek Sharma for the respondents.

This appeal has been preferred as against the order dated 6th November, 2009 passed by the learned Single Bench of this court in Civil Writ Petition No.13838/2009 thereby dismissing the writ application assailing the order of transfer of the petitioner from Bhawani Mandi to Jhalrapatan.

It was submitted by the appellant that he had forgone his promotion earlier to Kota on account of family circumstances. The order of transfer from Bhawani Mandi to Jhalrapatan was passed on his own request, while according to him, he has not made any such request. It was mentioned in the note appended in the transfer order that no TA and DA is admissible as he was being transferred on his own request. The Single Bench declined to interfere and observed that the

petitioner can claim TA and DA and he was free to make representation for claiming TA and DA in case he was not transferred on his own request.

The respondents' stand is that in fact the order was erroneously passed on the ground of his request while no such request was made. The order was passed in administrative exigency and a corrigendum was issued making payment of TA and DA to the applicant.

The order was passed on 18.11.2009, by now more than one year has elapsed since then. In the circumstances, we are not inclined to make interference in view of the corrigendum issued. In case the petitioner is having any grievance with respect to his transfer, he is free to file representation. The representation shall be considered, as agreed by the learned counsel for the respondents, within a period of four weeks from the date it is filed along with a certified copy of this order.

Accordingly this special appeal stands disposed of.

[RAGHUVENDRA S. RATHORE],J. [ARUN MISHRA],CJ.

bblm