

W.P.No.22142/2012

31.12.2012

Shri Anubhav Jain, learned counsel for the petitioner.

Heard on the question of admission and interim relief.

The grievance of the petitioner appears to be that he was transferred on earlier occasion on some political influences against which the writ petition was filed before this Court and since an interim stay was granted in the said case, the earlier order of transfer of the petitioner was withdrawn. However, subsequently again an order of transfer was issued in the year 2012, assailing which order, a writ petition was filed before this Court. This Court in Writ Petition No.10920/2012 has observed that the petitioner could be accommodated in a nearby district to Katni district instead of transferring him to Badwani. The representation made by the petitioner in this respect was rejected and, therefore, he was required to file yet another writ petition before this Court. The said writ petition was dismissed, therefore, a writ appeal was filed by the petitioner and in the said writ appeal, since the observation was made by this Court to comply with the direction issued in W.P.No.10920/2012, on a representation made by the

petitioner, now the order impugned has been issued transferring the petitioner from Katni to Balaghat. It is contended that there are vacancies available in nearby districts like Jabalpur, Shahdol, Umaria, etc., where the petitioner could be accommodated, but instead he is transferred to Balaghat. It is contended that such an action is again in violation of the observation made by this Court in the aforesaid writ petition.

Such a submission of the learned counsel for the petitioner is considered. Though it is true that this Court has observed for accommodating the petitioner in a suitable place nearby Katni district, but it is also true that Balaghat is not very far of place. However, it is depending on the wish of the departmental authorities, taking into account the administrative exigencies to accommodate the petitioner in any other nearby district of Katni, if the vacancies are available and the administrative exigencies so permits. This is being observed because the learned Dy. Advocate General has made a concession before the Division Bench of this Court when the writ appeal of the petitioner was considered. Let a fresh representation be made by the petitioner pointing out the vacancies in any nearby area and in case any such vacancies in nearby district of Katni are available where the petitioner could be accommodated for administrative reasons, the necessary orders be passed on such a

representation within fifteen days from the date of making of the representation. However, it is entirely on the requirement of the department concerned with respect to making change in the posting of the petitioner. No right is being created in favour of the petitioner in this respect by this Court.

It is contended that the petitioner is continuing at Katni presently. In view of this, till such a decision is taken by the respondents, he may be allowed to remain at Katni.

With the aforesaid, the writ petition stands finally disposed of.

Certified copy as per rules.

(K.K.Trivedi)
V. Judge.

A.Praj.