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In the High Court of Judicature for Rajasthan
Jaipur Bench, Jaipur

ORDER

S.B. Civil Writ Petition No.20800/2012

Ashok Kumar Pareek

Vs. Raj. Civil Services Appellate Tribunal, Jaipur & Ors.

Date Of Order :: 21.12.2012

Hon'ble Mr. Justice Ajay Rastogi

Ms. Ashish Joshi, for petitioner.

The petitioner who is working as ACF, after remained posted at Jaipur was transferred to Mahuwa, District Dausa.

It appears that Government has taken policy decision that incumbent must be transferred outside his home district. However, on request made by the petitioner apprising the authority regarding his ailing father, the request was acceded to and he was allowed to continue on the place of posting at Jaipur. However, later on further order came to be passed on 22.08.2012 by which the petitioner has been transferred to Mahuwa, District Dausa and that was assailed by the petitioner by filing appeal before the Service Appellate Tribunal but that came to be dismissed vide order impugned dt. 14.12.2012.

Counsel submits that at one stage he was allowed to continue at Jaipur because of ailment of his father and there is no-one to take care of him and has placed certain documents/prescriptions of his father on record to justify that he is seeking indulgence to

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continue at Jaipur only to provide medical assistance to his father.

It is true that administrative exigency is to be examined by the employer and who alone is competent to take decision regarding place of posting of the officer and this Court has limited scope to interfere unless the power is abused or arbitrary exercise for oblique motives and the learned Tribunal also considered as regards exercise of power by the authority while passing order impugned dt. 14.12.2012. This Court also does not find any error being committed in the order impugned which may require interference but at the same time would like to record that there are certain exigencies which are always open for the authorities to examine and one of which this Court take notice is that one is supposed to take care of the parents which is boundan duty of the children who is brought up by them and every parents expect that in their older age their children will provide them medical assistance and shelter as well.

However, this Court would not like to interfere as regards order impugned herein but considers it appropriate to grant liberty to the petitioner to make representation pointing out his personal difficulties to the authority and if such representation is made, it will be open for the authority to consider the same

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sympathetically and take decision in accordance with law within two weeks thereafter and what is being observed by the Tribunal in its order impugned may not influence the authority while taking its decision.

With these directions/observations, the petition stands disposed of.

(Ajay Rastogi), J.

VS Shekhawat/-p.3

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Certificate - All corrections have been incorporated in the judgment/order being emailed/Vijay Singh Shekhawat/PAJW