

# **HIGH COURT OF JAMMU AND KASHMIR**

AT JAMMU

LPASW No.190/2013

CMA No.240/2013

Date of order: 16.12.2013

Handsome Gill

v.

State of J&K and ors.

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## **Coram:**

**Hon'ble Mr. Justice M. M. Kumar, Chief Justice**

**Hon'ble Mr. Justice Hasnain Massodi, Judge**

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## **Appearing counsel:**

For the appellant(s) : Mr. Ankush Manhas, Advocate.

For the respondent(s) :

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| i)  | Whether to be reported<br>Press, Journal/Media | Yes/No |
| ii) | Whether to be reported in<br>Digest/Journal    | Yes/No |
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## **M.M.Kumar,CJ**

1. The instant appeal under Clause 12 of the Letters Patent is directed against the judgment and order dated 10.12.2013 passed by a learned Single Judge of this Court dismissing the writ petition filed by the writ petitioner-appellant, upholding the order of his transfer. It is appropriate to mention that the order of transfer dated 04.12.2013 has posted the writ petitioner-appellant from the field post to the office of Health Officer. The fact remains that the petitioner-appellant has been working in Jammu and continue to work in the same city. The only ground urged against the order of transfer before us is that the order suffers from malafide of respondent No.5-Rinku Gill. According to the petitioner-appellant, respondent No.5 is his uncle and is working on the post of Sanitary Supervisor. On the query raised

by the Court that how he can influence his transfer no satisfactory answer could be given. As per the rules, the transfer can be ordered either by the Joint Commissioner or Commissioner. The appellant vide order dated 04.12.2013 has been transferred by the Commissioner and a Sanitary Supervisor like respondent No.5 can have no say in the matter. The allegation of malafide is, therefore, imaginary and does not call for any probe.

2. For the reasons aforementioned, this appeal fails and same is dismissed along with connected application.

**(Hasnain Massodi)**  
**Judge**

**(M. M. Kumar)**  
**Chief Justice**

**Jammu,**  
**16.12.2013**  
**Vinod.**