

WP No. 2580/2014

**G. L. Sahu Vs. State of MP**

**30-04-2014**

Shri Vishal Mishra, Advocate for the petitioner.

Smt. Nidhi Patankar, Govt. Advocate for the respondents-State.

With the consent of parties, matter is finally heard.

Petitioner has visited this Court questioning the legality, validity and propriety of transfer order dated 13-02-2014. Earlier, petitioner filed WP No.1375/2014 which was disposed of on 03-03-2014. This Court directed the petitioner to prefer a representation within a week and in turn, directed the respondents to decide it.

For one month, there was an interim order. The respondents have passed the impugned order of rejection on 10<sup>th</sup> April, 2014 (Annexure P-1), wherein they have stated that the petitioner had failed to submit any representation. It is further stated that as per Government instructions, there exists no provision not to transfer an employee in the area of his retirement/ superannuation.

Criticizing this order, the attention of this Court is drawn on 9.13 of the transfer policy dated 1<sup>st</sup> May, 2012 (Annexure P-4). Shri Vishal Mishra, further submits that the petitioner is a heart patient and the documents are in this regard collectively filed as Annexure P-8. In addition, it is contended that as per Election Commission's Order Annexure P-7, transfer or relieving when mode of Code of Conduct was in force, was impermissible. He submits that petitioner could not prefer representation

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because he was deputed in election duty and he may be granted a week's time to undertake such exercise.

Prayer is formally opposed by Smt. Patankar.

In the aforesaid factual backdrop, I deem it proper to grant seven days' time from today to the petitioner to prefer a detailed representation along-with relevant documents and submit it before respondent No.2. In turn, respondent No.2 is directed to decide the representation of the petitioner by a reasoned order without getting influenced by order Annexure P-1. Till decision of representation, impugned order Annexure P-1, shall remain stayed. If representation is not preferred within seven days from today, there shall be no interim order in favour of the petitioner.

It is made clear that this Court has not expressed any opinion on the merits of the case.

Petition stands disposed of. No costs.

Certified copy today.

**(Sujoy Paul)**  
**Judge**

**MKB**