

W.P NO.8641/2016

29.12.2016:

Ms.Ishita Agrawal, learned counsel for the petitioner.

Shri Umesh Gajankush, learned Dy.A.G for the respondent/State.

Petitioner has filed the present petition being aggrieved by the order dated 24.12.2016 by which he has been transferred from SDOP, Jawara to DSP (AJAK), district Shajapur. Petitioner has challenged the transfer order on the ground that he is going to retire from service on 31.07.2017 i.e within less than one year and as per clause 8.10 of the Transfer Policy the employees who are having one year or less than one year service then he/she be not normally transferred and if on administrative exigency the transfer is required then transfer will be made on the basis of the option.

It is clear from the order (Annexure P/2) dated 31.05.2016 that the retirement of the petitioner is due on 31.07.2017 and clause 8.10 of the Transfer Policy

given protection to those employees who have less than one year service for retirement. Counsel for the petitioner submits that on administrative exigency if transfer is necessary then he may be transferred to the district Dhar or district Indore where he would be settled after retirement.

Without entering into the merits of the case, the petition is disposed of with direction the petitioner to submit a detailed representation to respondent No.1 by giving his option for his posting by way of transfer within a week from today. If such a representation is submitted the respondent No.1 is directed to consider and decide the same in accordance with clause 8.10 of the Transfer Policy.

In place of the petitioner one Dayaram Maley has been transferred as SDOP, Jawara but he has not been made as respondent in this writ petition, therefore, no stay can be granted against him. If the respondent No.1 decides the representation in favour of the

petitioner for his continuance as SDOP, Jawara then opportunity of hearing be also given to Dayaram Maley. If the respondent No.1 considers the transfer of the petitioner at Indore or any other place of his choice then no opportunity of hearing is necessary to Dayaram Maley.

For a period of thirty days or till the representation of the petitioner is decided by respondent No.1, no coercive action shall be taken against him.

With the aforesaid direction, writ petition stands disposed of.

C.c as per rules.

(VIVEK RUSIA)
JUDGE

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