

## **WP-19571-2016**

*(SMT. USHA PATHAK Vs THE STATE OF MADHYA PRADESH)*

**30-11-2016**

Mr. U.K. Sharma, learned Senior Advocate along with Shri Om Shankar Pandey, Advocate for the petitioner.

Mrs. Janvi Pandit, learned Government Advocate for the respondents/State.

Heard.

The petitioner has filed the present petition challenging the order of suspension dated 04.11.2016. The said transfer order has been challenged on the ground that before passing the impugned order, no opportunity of hearing was given the petitioner. It has further been alleged that the order of suspension has been passed on several false allegations. The petitioner has filed an appeal against the said transfer order before the respondent No.1 and the said appeal has not yet been decided.

I have heard learned Senior Counsel for the petitioner and perused the record. As per Rule 9 of the Madhya Pradesh Civil Services (Classification Control and Appeal) Rules 1966, there is no provision of giving opportunity of hearing before passing the order of suspension. The petitioner has already submitted an appeal to the respondent No.1, which is pending consideration. Thus, I do not find it fit case to interfere in the order of suspension.

In view of foregoing reasons, the petition filed by the petitioner is disposed of with a direction to the respondent No.1 to consider and decide the appeal (Annexure P/2) preferred by the petitioner within a period of 45 days' from the date of receipt of certified copy of the order passed today, by speaking order. It is made clear that this Court

has not expressed any opinion on the merits of the case.  
Accordingly, the petition stands disposed of.  
Certified copy as per rules.

**(MISS VANDANA KASREKAR)**  
**JUDGE**

RC