

(Harish Kumar Vs. State of M.P. & Others)

**31.03.2017**

Lawyers are abstaining from the Court due to resolution passed by the Bar Council of India.

Petitioner is present in person.

None for the respondents.

Heard on the question of admission and interim-relief.

In this petition under Article 226 of the Constitution of India, the petitioner, who is posted as Medical Officer at District Hospital, Morar, District Gwalior, has challenged the order dated 23.03.2017 (Annexure P/1) by which he has been transferred from Gwalior to Bhind and in place of the petitioner the respondent No.3 has been posted.

The contention of the learned counsel for the petitioner is that he has been transferred just to accommodate the respondent No.3 who has been transferred in his place i.e. Gwalior at own request. It is further contended that petitioner is working as Medical Officer, District Hospital at Morar, District, Gwalior. It is further submitted that the petitioner is suffering from Kidney problem and one of his kidney has been removed. The petitioner is required to look after himself. The order of transfer is not due to any administrative exigency but to accommodate respondent No.3. All these aspects have not been taken into consideration by the respondents while transferring him.

After arguing for some time, the petitioner submitted that the petitioner has already preferred a representation dated 27.03.2017 (Annexure P/5) which is pending before the respondent No. 2, but no action whatsoever has been taken by the respondents/authority. The petitioner prayed that the

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representation dated 27.03.2017 (Annexure P/5) may be decided taking into consideration the grievance raised by the petitioner. In these circumstances a direction may be issued to the respondent No. 2 to decide the representation within a reasonable period and till then the petitioner may be permitted to continue at the present place of posting.

In these circumstances, it is directed that the respondent No. 2/competent authority shall decide the pending representation dated 27.03.2017 (Annexure P/5) in accordance with law preferably within a period of four weeks from the date of receipt of certified copy of this order passed today. Till decision on the aforesaid representation is taken by the competent authority, the petitioner shall be permitted to continue at his present place of posting i.e. District hospital, Morar, District Gwalior. It is made clear that this Court has not expressed any opinion on the merits of the case.

With these observations, this petition stands disposed of finally.

**(S.A. Dharmadhikari)**  
**Judge**

LJ\*