
(2000) 01 PAT CK 0142
In the Patna High Court
Case No : C.W.J.C. No. 8380 of 1999

Bachchan Singh

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 13-01-2000

Acts Referred:

Citation : (2001) 1 PLJR 644

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Judgement

S.J. Mukhopadhaya, J.—The Petitioner has challenged the Notification No. 434(2) dated 17th August, 1999, whereby and where under, he has been transferred from Patna to Primary Health Centre of Biratpur in the district of Saharsa.

2. The main ground taken to assail the notification of transfer is that the same has been issued at the behest of the intervenor-Respondent, Dr. Srinivas Upadhaya, who is being posted in the district of Patna for about ten years.

3. Reliance was placed on one or other complaint letters issued by the Intervenor-Respondent against the Petitioner for his transfer. It was submitted that the aforesaid letters were taken into consideration to post the Petitioner at Biratpur in the district of Saharsa.

4. Counsel for the Petitioner submitted that the establishment committee initially recommended to depute the Petitioner in Labour Department, but I was changed for posting at Maner. Subsequently, the Minister I/C of the Department changed the place of posting at. Biratpur in the district of Saharsa.

5. Admittedly, the Petitioner is posted in the Patna district for about 7 to 8 years. For the said reason, in routine course, his case was placed along with others before the establishment Committee, which recommended for transfer of Petitioner from Patna to outside. If the Minister I/C. on such recommendation; merely changed the place of posting, I find no illegality in the same, the

notification of transfer having issued on administrative exigency.

6. So far as the allegation that the transfer order has been issued at the (sic) of the intervenor, is unfounded, these being no evidence on record to suggest that the notification of transfer was issued because of such allegation levelled by Dr. Srinivas Upadhaya.

7. In the aforesaid background, I am not inclined to interfere with the Notification dated 17th August, 1999, so far as it relates to the Petitioner.

8. So far as the allegation that the intervenor Dr. Srinivas Upadhaya is also posted for about ten years in the district of Patna is concerned, the Petitioner is men liberty to bring the aforesaid fact to me notice of the Secretary, Health Department.

9. If any such representation is filed bringing the aforesaid fact to the notice of fie Secretary of Health Department, he will take appropriate steps, in accordance with law.

10. So far as arrears of salary is concerned, the admitted arrears of salary be released and paid in favour of Petitioner within one month from the date of joining of Petitioner to the transferred cost.

11. The writ petition stands disposed of with the aforesaid observations.