

(2013) 09 MP CK 0146
In the Madhya Pradesh High Court
Case No : Writ Petition No. 6021 of 2013

C.P. Singh Tomar

APPELLANT

Vs

The State of Madhya Pradesh

RESPONDENT

Date of Decision : 03-09-2013

Acts Referred:

Citation : (2013) 09 MP CK 0146

Hon'ble Judges : Sujoy Paul, J

Bench : Single Bench

Advocate : D.P. Singh, for the Appellant; Praveen Newaskar, Dy. Govt. Advocate, for the Respondent

Final Decision : Dismissed

Judgement

Sujoy Paul, J.—Heard. The petitioner, a Nayab Tehsildar, is aggrieved by his transfer by order dated 07.08.2013. It is challenged on the ground that he is due for his retirement on 31st March, 2014 and therefore, he should not have been subjected to transfer.

2. Shri Newaskar submits that a bare perusal of the impugned order Annexure P/1 shows that petitioner has been transferred pursuant to the direction of Election Commission of India dated 14.05.2013. By placing reliance on the same circular of Election Commission, Shri D.P. Singh submits that petitioner should not have been transferred because he has less than 6 months to retire.

3. I have heard learned counsel for the parties and perused the record.

4. The Election Commission in its circular dated 14.05.2013 held that it is a consistent policy of the Commission that in order to ensure free, fair and peaceful conduct of the elections, officers who are connected or are likely to be connected with the conduct of elections should not serve in their home districts or places where they have served for three years or more during the last four years. Thus, the transfer of the petitioner is necessitated because of said direction of Election Commission with a view to ensure free and fair election. The

petitioner is admittedly working as Nayab Tehsildar since 22.08.2009. Thus, the order Annexure P/1 is in consonance with the direction of Election Commission.

5. The petitioner has more than six months time to retire from the date of issuance of transfer order and therefore, exemption clause will not apply in this case. Transfer order issued is of public and national interest and therefore, no interference is warranted by this Court. Apart from this, petitioner is merely transferred from Gwalior to Bhind, it will not cause any prejudice to him. For this reason, I find no ground for interference. Petition is meritless and is hereby dismissed.