
(2016) 02 AHC CK 0051

In the Allahabad High Court

Case No : Civil Misc. Writ Petition No. 4937 of 2016

Dr. Radhey Shyam Verma

APPELLANT

Vs

State of U.P. and Ors.

RESPONDENT

Date of Decision : 04-02-2016

Acts Referred:

Citation : (2016) 4 ADJ 43

Hon'ble Judges : V.K. Shukla;Mahesh Chandra Tripathi, JJ.

Bench : Division Bench

Advocate : Surendra Bahadur Singh and Rajesh Pratap Singh, Advocates, for the Appellant

Final Decision : Disposed Off

Judgement

Dr. Radhey Shyam Verma, petitioner is before this Court, assailing the validity of the transfer order dated 19.01.2016 passed by the State Government wherein in administrative exigency petitioner has been transferred to 100 Bed Joint Hospital Sirauli Goushpur Baranbanki on the post of Physician.

2. Petitioner is submitting before this Court that the post of Physician is inferior to post that is being held by him.

3. We have the occasion to peruse the order in question and as far as order in question goes, it only proceed to make mention that in administrative exigency, the State Government has proceeded to accord placement to petitioner to perform and discharge duties as Physician. There is no averment in the transfer order dated 19.01.2016 that in any manner grade pay and salary of petitioner has bee reduced. Once such is the factual situation, petitioner has been transferred in administrative exigency, and the authority who has pass the transfer order has got full competence to pass such order and there is no violation of any statutory rules and regulations and petitioner holds transferable post then in view of the settled law by Apex Court in the cases of Mrs. Shilpi Bose and others v. State of Bihar and others, 1995 (71) FLR 1011 (SC); State of

U.P. v. Gobardhan Lal AIR (2004) SC 2165; Union of India and others v. Janardhan Debanath and another, (2004) 4 SCC 245 and S.C. Saxena v. Union of India and others, (2006) 9 SCC 583 no interference is being made in the matter.

4. Petitioner has lastly contended that large scale personal inconveniences would be caused to him on account of said transfer.

5. Transfer and posting are within the domain of the authority concerned and it is for the authority to decide and determine as to where an incumbent is to be posted and as to where his/her services are to be best utilized. The issue of convenience and inconvenience is also to be examined by the authority concerned and not by this Court.

6. Consequently, we proceed to give liberty to petitioner to represent his claim before Secretary Medical and Health Government of U.P. Lucknow, respondent no. 1 and it is always expected that the aforesaid authority would consider the claim of petitioner and redress the same in accordance with law, preferably within next eight weeks from the date of receipt of representation along with certified copy of this order subject to condition that petitioner should first go and join at the transferred place, as per the judgment of Apex Court in the case of S.C. Saxena (*supra*).

7. With the above observations/directions, present writ petition is disposed of.