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**(2002) 10 JH CK 0025**  
**In the Jharkhand High Court**  
**Case No : Writ Petition No. 3266 of 2002**

James Peter Lakra

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

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**Date of Decision :** 04-10-2002

**Acts Referred:**

**Citation :** (2002) 10 JH CK 0025

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

**Bench :** Single Bench

**Advocate :** S.B. Gadodia, Sumeet Gadodia and V.N. Choudhary, for the Appellant; M.S. Akhtar and A.K. Sahay, for the Respondent

**Final Decision :** Dismissed

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## Judgement

S.J. Mukhopadhaya, J.—The petitioner was transferred from Jamshedpur to Hazaribagh vide order dated 29th of November, 2001, which was challenged by him before this Court in WP (S) No. 1412 of 2002. A bench of this Court vide order dated 27th of February, 2002 disposed of the writ petition with following observation and direction:

"Heard Mr. Mokhtar Ahmad, learned counsel for the petitioner and Mr. Shamim Akhtar, learned S.C. II for the respondents.

After having gone through the contents of this writ petition this Court feels that the question of violation of any provision of Bihar Service Code and/or circular appended thereto in relation to guidelines framed by the Government and pertaining to the matters relating to transfer specially at the fag end of an employee's career are matters which should be decided at the threshold at the level of the Government itself.

In that view of the matter, this Court feels that the petitioner should be given an opportunity to file a representation before respondent No. 2. Such representation shall be filed by the petitioner taking all possible and permissible pleas/points within a period of two weeks before the said respondent No. 2.

It goes without saying that the respondent No. 2, in turn, shall dispose of the said representation strictly in accordance with law and by passing reasoned order taking into consideration the circulars/provisions indicated above. Such order shall be passed within a period of three weeks from the date he receive the said representation.

With the aforesaid observations, this writ petition stands disposed of."

The Secretary, Transport and Civil Aviation Department-cum-State Transport Commissioner, Jharkhand, Ranchi, thereafter, having rejected the petitioner's prayer vide Memo No. 960 dated 26th March, 2002, the petitioner has challenged the decision.

2. The statement made on behalf of petitioner is that the decision has been taken at the instance of Junior Establishment Committee and the Commissioner has not applied his mind, cannot be accepted. An order of transfer is issued on the recommendation of an Establishment Committee. If for the purpose of cancellation of such order of transfer or retransfer, the commissioner placed the matter before a Junior Establishment committee for its opinion, I find nothing wrong in it nor it cannot be held illegal.

3. In the circumstances, I am not inclined to interfere with the rejection order, the petitioner should join the transferred post at Hazaribagh within fifteen days, if not yet joined.

4. The writ petition is dismissed.