
(2006) 08 GAU CK 0080
In the Gauhati High Court

Md.Ayajuddin

APPELLANT

Vs

State of Manipur and Ors.

RESPONDENT

Date of Decision : 30-08-2006

Acts Referred:

Citation : (2006) 08 GAU CK 0080

Hon'ble Judges : T.Nanda Kumar Singh, J

Bench : Single Bench

Advocate : N.Umakanta Singh, Advocates appearing for Parties

Judgement

1. Heard Mr.N.Umakanta, learned counsel for the petitioner as well as Mr.R.S.Reisang, learned GA for the respondents.

2. The petitioner being aggrieved by the impugned transfer and posting order dated 18.8.2006 under which the petitioner had been transferred and posted as LDC in the office of the DC, Ukhrul filed the present writ petition. The only ground taken in the present writ petition for assailing the said impugned transfer and posting dated 18.8.2006 is that the petitioner is a chronic asthma patient. It is also alleged that service of specialist is required for such chronic asthma that the petitioner is suffering from. It is also alleged that service of specialist is not available in the Ukhrul District, Manipur where the petitioner has to work as an LDC under the impugned transfer and posting order dated 18.8.2006. The petitioner aggrieved by the said impugned transfer and posting order dated 18.8.2006 due to non availability of specialist in the Ukhrul; and his health does not permit him to work at such hilly area, approached the competent authority, i.e. Commissioner/Revenue, Respondent no.1 by filing representation dated 19.8.2006. It is said that the said representation dated 19.8.2006 is still pending with the Commissioner, Revenue, Government of Manipur.

3. No doubt a person holding a transferable post has no vested right to remain at a particular post of his choice. Here, in this case, according to the petitioner, his health does not permit him to work at Ukhrul.

4. Such being the situation, this writ petition is disposed of by directing the respondent no.1/Commissioner, Revenue, Government of Manipur to consider the said representation filed by the petitioner dated 19.8.2006 as early as possible, preferably within 3 (three) weeks.

5. Pending disposal of the said representation, if the petitioner has not yet joined his new place of posting in pursuance of the impugned transfer and posting order dated 18.8.2006 (AnnexureA/7 to the present writ petition), as on today, his present posting at the office of the SDO, Wangoi shall not be disturbed.