
(2010) 12 RAJ CK 0053
In the Rajasthan High Court
Case No : Civil Writ Petition No. 16158 of 2010

Om Prakash

APPELLANT

Vs

RSCAT and Others

RESPONDENT

Date of Decision : 10-12-2010

Acts Referred:

Citation : (2010) 12 RAJ CK 0053

Hon'ble Judges : Ajay Rastogi, J

Bench : Single Bench

Judgement

Ajay Rastogi, J.—Petitioner while serving as Teacher Gr.II on being transferred from Govt. Upper Primary School, Khidarsar to Niradhanu Panchayat Samiti Alsisar vide order dt. 30/08/2010 preferred appeal-707/2010 (4088/ 2010) which has been disposed of by learned Tribunal vide order dt. 24/11/2010 with the direction to make representation and if made, the competent authority has also been directed to dispose it of within two months and pendente representation, transfer order dt. 30/08/2010 has been kept in abeyance.

2. Counsel submits that Petitioner has raised manifold grounds in his appeal before the Tribunal but the learned Tribunal granted liberty to submit representation only on the premise of non-grant of TA/DA. Counsel further submits that once Petitioner has been called upon to submit representation, it would be open for him to make all such grievance admissible under the law to be raised through representation against impugned order.

3. As informed, representation has not been decided by the authority so far. This Court finds substance that once liberty has been granted to make representation, it would be always open for the Petitioner to raise submissions available under law and should not be restricted to one of grounds raised by him in appeal.

4. Consequently, without expressing any opinion on merits, the writ petition stands disposed of with the clarification that the Petitioner will be at liberty to raise all objections as admissible under law in his representation being submitted

pursuant to order dt.24/11/2010 and if made, it shall be independently examined and decided by the competent authority in accordance with law.