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(2018) 01 MP CK 0154

In the Madhya Pradesh High Court

Case No : 1981 of 2018

Rajendra Prasad Chourasiya — APPELLANT

Vs

State of Madhya Pradesh & Ors. — RESPONDENT

Date of Decision : 25-01-2018

Acts Referred:
Constitution of India, Article 226 - Power of High Courts to Issue certain writs

Citation : (2018) 01 MP CK 0154

Hon'ble Judges : Vijay Kumar Shukla

Bench : Single Bench

Advocate : L.C. Chourasiya, A.M. Lal

Final Decision : Dismissed

Judgement

1. In the instant petition a challenge has been made to the order dated 08.12.2017, whereby the representation of the petitioner against the transfer

order has been rejected.

2. This is second round of litigation. The petitioner earlier had filed a writ petition bearing W.P. No. 12254/2017 challenging the transfer order

dated 27.07.2017 whereby he was transferred from Chhatarpur to Khandwa. The said petition was disposed of by order dated 16.08.2017,

directing the respondents to consider and decide the representation of the petitioner in accordance with law. Thereafter the impugned order was

passed by the respondents.

3. Learned counsel for the petitioner submitted that the rejection of the representation is arbitrary as the respondents have not taken into

consideration the fact that the place where the petitioner has been transferred is not vacant. He also submitted that there are certain personal

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difficulties for the petitioner to carry out the transfer order which have not been considered by the authority.

4. Upon perusal of the impugned order dated 08.12.2017, it is noted that the competent authority has passed a detailed order. The petitioner has

remained at the present place of posting for almost 2-1/2 years. The authorities have also mentioned the administrative reason for transfer of the

petitioner from Chhatarpur to Khandwa as there are complaints regarding the working of the petitioner.

5. The transfer is an incidence of service and the scope of interference in transfer matter is no longer res integra. The Apex Court in the case of

Union of India and Ors. Vs. S.L. Abbas - AIR 1993 SC 2444, Gujrat Electricity Board Vs. Atmaram Sugnomal Poshani, 1989 (2) SCC 602 and

the Division Bench of this Court in the Case of R.S. Choudhary Vs. State of M.P. & ors 2007(2) ILR MP 1329 held that the transfer order can

only to interfered when the order is issued in violation of any statutory rules or order suffers from vice of malafide or arbitrariness. In the present

case, the respondents while rejecting the representation of the petitioner has taken into consideration all the aspects. The order has been passed in

the light of the directions passed by this Court. This Court is not an Appellate Authority over the respondents in administrative matter under extra-

ordinary jurisdiction under Article 226 of the Constitution of India. Accordingly, I do not find any case for interference.

6. In view of the aforesaid, the petition is dismissed. No orders as to cost.

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