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**(2017) 02 RAJ CK 0042**  
**In the Rajasthan High Court**  
**Case No : 1596 of 2017**

Rajendra Prasad Khatik S/o Shri Rakkha Ram

APPELLANT

Vs

State of Rajasthan

RESPONDENT

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**Date of Decision :** 07-02-2017

**Acts Referred:**

[Rajasthan Service Rules, 1951](#), Rule 20

**Citation :** (2017) 02 RAJ CK 0042

**Hon'ble Judges :** Ajay Rastogi

**Bench :** SINGLE BENCH

**Advocate :** Anupam Agarwal

**Final Decision :** Dismissed

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## Judgement

1. Instant petition has been filed who is serving as Senior Veterinary Officer who initially joined service as Veterinary Officer in 1997 and promoted as Senior Veterinary Officer in 2014 w.e.f. 2006. It appears that the petitioner is also a local resident of Alwar and remained posted in various Veterinary Hospital in Alwar and even while in the year 2001, he was transferred from Harshora to Bansoor, within District Alwar and vide order dt.27.09.2016 he was transferred from Bansoor to Mohangarh, District Jaisalmer, which his a Class-I, Veterinary Hospital.
2. The appeal came to be preferred at his instance before the Id.Tribunal and his sole grievance was that the present order impugned dt.27.09.2016 is not in the interest of administration

but he has become escape-goat just to adjust the impleaded respondent Dr.Kailash Chand Sharma, who has either worked at nearby place or within District Alwar and after the post became vacant on account of petitioner's transfer, the respondent has come back to Bansoor, Alwar vide order dt.10.10.2016 and his bone of contention in appeal preferred before the Id.Tribunal was that such adjustments are nothing but a clear arbitrary exercise of power by the authority invoking R.20 of the Rajasthan Service Rules, 1951 and such transfers are neither in the interest of administration nor in exigency of services and being a colourable exercise of power is violative of Art.14 of the Constitution and deserves indulgence of this court. At the same time, his further submission is that since he has not been transferred on his own request, he is entitled for joining time, as prescribed under the Rules, 1981 and so also travelling allowance, as contemplated u/R.4(1) of the Rules, 1971.

3. The Id.Tribunal disposed of almost 16 appeals of the different departments with different nature of grievances being raised by the individual appellant in regard to the order of transfer passed by the concerned authority vide its order dt.09.11.2016. Although a reference has been made that on merits, the petitioner has not been able to persuade the Id.Tribunal to interfere but with no discussion while taking note of the requirement of R.4(1) of the Rules, 1981 which according to the Id.Tribunal has not been complied with to the extent possible relief has been granted to the petitioner while disposing of his appeal.

4. In compliance of order of the Id.Tribunal, the State Government has passed further order on 22.12.2016 granting them Travelling Allowance and Joining Time as being required under the Rules, 1971 & 1981 respectively and since the

impediment which was put by the Id.Tribunal in its order has been complied with, obviously the petitioner has to proceed and virtually his appeal has been dismissed on account of change in circumstances.

5. The main submission of counsel for petitioner is that the order impugned dt.22.09.2016 is not in the interest of administration and requires interference by this court.

6. The petitioner is working since, 1997 and for good number of years he is in District Alwar might have been transferred somewhere else in other District for some time and once he is an Officer of the State cadre, can certainly be transferred to other District within the State and it is also not the case of the petitioner that while passing the order impugned dt.22.09.2016 there is a violation of any statutory Rules or a case of malice being imputed against the authority who has passed the order impugned and his submission that it has been passed just to adjust the respondent Dr.Kailash Chand Sharma is without basis for the reason that it is very obvious that whenever the incumbent is transferred someone has to be transferred vice him but that cannot be given a colour of adjustment, as has been claimed and prayed for by the petitioner and the transfer being an incidence of service, no one can claim right to remain at one station and it is for the authority to post the employee where it is required in the interest of administration.

7. This court finds no error being committed in the decision making process adopted by the authority, which may call for interference by this court.

8. Consequently, the instant writ petition being devoid of merit, accordingly stands dismissed.