
(1986) 10 RAJ CK 0070
In the Rajasthan High Court
Case No : Civil Writ Petition No. 957 of 1979

Ram Kishore

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 16-10-1986

Acts Referred:

Rajasthan Municipalities (Subordinate and Ministerial Service) Rules, 1963 — Rule 38

Citation : (1986) WLN 112

Hon'ble Judges : A.K. Mathur, J

Bench : Single Bench

Judgement

Ashok Kumar Mathur, J.—Petitioner preferred this writ petition challenging the order transfer Annex-3 dated 30-6-1979 from the Municipal Board, Ganga Shahr to the Municipal Board, Khertal. He has challenged the validity of the Rules but his case is squarely covered by the decision of this court in Mohan Lal Jain v. State of Rajasthan 1979 RLW 441. In this case the validity of the Sections 304, 297(1) of the Rajasthan Municipalities Act, 1959 and Rule 38 of the Rajasthan Municipal Sub-ordinate and Ministerial Services Rules, 1963 has been upheld. Therefore, this case is squarely covered by the aforesaid judgment.

2. Mr. Singhvi appearing for the petitioner submits that the transfer order does not fulfil the conditions laid down in Rule 38 of the aforesaid Rules. I have gone through the rule 38 which only enables the Director, Local Bodies to transfer the incumbent from one Municipality to another when it is considered necessary in the efficiency of the services. It is not the requirement of the rule that it should find mention in the transfer order. This is only a guiding factor to the Director whom the power has been conferred under sub Rule (2) of the Rule 38 to transfer the incumbent from one Municipality to another in efficiency of administration.

3. Since the petitioner is continuing on the present post, the Director may consider the advisability of transferring him now.