
(2012) 08 MP CK 0122
In the Madhya Pradesh High Court
Case No : Writ Petition No. 12866 of 2012

Ramesh Kol

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 21-08-2012

Acts Referred:

Citation : (2012) 08 MP CK 0122

Hon'ble Judges : Rajendra Menon, J

Bench : Single Bench

Advocate : Kishore Shrivastava, with Mr. V.P. Singh, for the Appellant; B.P. Pandey, Learned Dy. Govt. Advocate For Respondents on Advance Notice, for the Respondent

Final Decision : Dismissed

Judgement

Rajendra Menon, Judge

1. Petitioner is working as Tahsildar in Teonthar, District Rewa. By the impugned order dated 13.7.2012 petitioner has been transferred to Chhindwara. Inter alia contending that transfer of the petitioner is contrary to transfer policy Annexure P/2 dated 1st May, 2012, challenge is made to the order of transfer. Inviting my attention to certain provisions of transfer policy, Shri Kishore Shrivastava, learned senior counsel argues that the norms laid down in the transfer policy in Clause 9.5 have been violated in transferring the petitioner. That apart, pointing out that petitioner is transferred when certain election duties have been assigned to him by the District Election Officer, petitioner seeks interference emphasizing that transfer contrary to the transfer policy is not proper, challenge is made to the impugned order. That apart, pointing out that out of five post of Tahsildar available in the area concerned only two persons are working and if petitioner is also transferred it would create administrative difficulty, challenge is made to the order of transfer.

2. Shri B.P. Pandey, learned counsel for the respondents refutes the aforesaid

and submits that transfer is on public interest. More than 25 Tahsildars have been transferred from one place to another. As regards breach of transfer policy, it is emphasized by Shri B. P. Pandey that interference is not called for. That apart, with regard to election duties entrusted to the petitioner, Shri B. P. Pandey points out that election working is not in progress. Duties entrusted to the petitioner is only to ensure satisfaction with regard to preparation of Electoral Roll in the capacity of Tahsildar of the area and therefore, on the ground of election duty being granted Shri Pandey submits that interference into the matter is not called for.

3. Transfer is mainly challenged on the ground of transfer policy being violated, however, while doing so, except for contending that certain provisions of transfer policy have been violated, no statutory rules or regulations are shown to be violated nor is malafide made out. The Division Bench of this Court in the case of R. S. Chaudhary Vs. State of M.P. and others, ILR (2007) M.P. 1329 has clearly laid down that on the ground of breach of transfer policy interference into an administrative order of transfer is not called for. On the aforesaid ground I am not inclined to interfere into the matter.

4. As far as election duty of the petitioner is concerned, election in the State are only to be held in the year 2014. Duties are entrusted to the petitioner as a Tahsildar and if petitioner feels that such a transfer is not permissible in view of direction of election commission, petitioner should represent to the District Election Commission. In the absence of any statutory rules or regulation shown to be violated, I am not inclined to interfere. Petitioner is holding the post of Tahsildar and it seems that petitioner has completed his tenure at Rewa and he has been transferred along with 24 Tahsildars. In the absence of any grounds made out on the basis of which judicial review of an administrative order is permissible, this petition is dismissed being devoid of merits.