

(2012) 08 MP CK 0099
In the Madhya Pradesh High Court
Case No : Writ Petition No. 12858 of 2012

R.C. Shukla

APPELLANT

Vs

State and Others

RESPONDENT

Date of Decision : 21-08-2012

Acts Referred:

Citation : (2012) 08 MP CK 0099

Hon'ble Judges : Rajendra Menon, J

Bench : Single Bench

Advocate : Ajeet Singh, for the Appellant; B.P. Pandey, Learned Dy. GA on Advance Notice for the State, for the Respondent

Judgement

Rajendra Menon, Judge

1. Petitioner is working as Agricultural Development Officer in Agriculture Farm, Hanumana District-Rewa. By the impugned order Annexure-P1 dated 13.7.2012, petitioner has been transferred to District-Balaghat. Challenge to the order of transfer is made mainly on the two counts. The first ground is that the petitioner was posted in the present place only on 30.12.2010 and, therefore, the transfer of the petitioner within a period of two years is not permissible. Shri. B.P. Pandey learned counsel for the State points out that vide order Annexure-P2 dated 30.12.2010, petitioner was promoted to the present place of posting and on such promotion, he was posted from one office to another and, therefore, the first ground is not available for the petitioner. The second ground is that the petitioner has suffered a fracture in his shoulder due to an accident and if the petitioner is transferred, it would cause serious inconvenience to the petitioner.

2. Having heard learned counsel for the petitioner and learned counsel for the respondents and on perusal of the records, it is seen that by the order dated 30.12.2010 petitioner was promoted and posted from one office to another after his promotion and, therefore, the condition of frequent transfer cannot be accepted. The order Annexure-P2 is only a posting order of the petitioner after

his promotion and the same cannot be termed as a frequent transfer. The other ground is the personal inconvenience of the petitioner due to fracture in his shoulder and on the aforesaid ground also, interference by this Court is not warranted.

3. Finding no case made out for interference, the petition is disposed of granting liberty to the petitioner to take recourse to the departmental remedies available. With the aforesaid, the petition stands disposed of.