
(2012) 08 MP CK 0205
In the Madhya Pradesh High Court
Case No : W.A. No. 478 of 2012

R.K. Tripathi

APPELLANT

Vs

State of M.P.

RESPONDENT

Date of Decision : 09-08-2012

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2012) 08 MP CK 0205

Hon'ble Judges : U.C. Maheshwari, J;Brij Kishore Dube, J

Bench : Division Bench

Advocate : Ajay Bhargav, for the Appellant; B. Raj Pandey, learned GA, for the Respondent

Judgement

1. Heard on the question of admission. This Intra Court Appeal has been preferred on behalf of the appellant being aggrieved by the order dated 27.7.2012 passed by the Hon"ble Single Judge in W.P. no. 5310/2012 (s) filed under Article 226 of the Constitution of India for quashment of his transfer order from Bhind to Panna.

2. The appellant, Senior Agriculture Development Officer has been transferred by the respondents authority from Bhind to Panna on administrative grounds. Subsequent to issuing such transfer order, the petitioner has filed the impugned writ petition for quashment of the same on the ground that he is suffering from acute spondylitis for which he is taking the treatment from some hospital of Etawa. Besides this, the ground to manage the affairs in connection of marriage of his daughter from Bhind has also been stated and in such premises, the prayer for quashment of said order is made.

3. The writ court after taking into consideration the pleadings of the petition as well as placed papers on record came to the conclusion that the impugned transfer order of the appellant has not been passed contrary to any statutory provision or with any malafide intention. It was also held by the Hon"ble Single Bench that transfer is a condition of the service and, therefore, ailment and

personal inconvenience could not be treated to be the ground to interfere in the transfer matters unless it is shown that the ailment is extremely severe in nature.

4. After going through the impugned order in the available factual matrix of the writ petition, we have not found any error, infirmity or any illegality in the same, which requires any interference at the stage of appeal. Consequently this appeal being devoid of any merits is hereby dismissed.

5. We would like to state that during the course of arguments by referring the order dated 31.7.2012 passed in W.A. No. 454/2012, Anil Kumar Sharma Vs. State of M. P. and others, appellant's counsel also made submission that by invoking the jurisdiction of mercy till disposal of the representation filed by the petitioner for cancellation of the transfer order in the office of respondents authority, such impugned transfer order be directed to be kept in abeyance.

6. After going through such order in the available scenario of the case at hand we are not inclined to invoke such jurisdiction of mercy, hence such prayer is also rejected. C c as per rules.