

(2010) 04 JH CK 0026
In the Jharkhand High Court

Ruplal Manjhi

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 19-04-2010

Acts Referred:

Citation : (2010) 04 JH CK 0026

Hon'ble Judges : Dabbiru Ganeshrao Patnaik, J

Bench : Single Bench

Judgement

D.G.R. Patnaik, J.—A show cause reply has been filed on behalf of the respondents/opposite parties wherein it is explained that in compliance with the directions as contained in the impugned order of this Court passed in W.P. (S) No. 4143 of 2007 and pursuant to the order dated 03.02.2010 passed in Contempt Application, the respondents have taken a fresh decision upon reconsidering the petitioner's case and by modification of previous order of petitioner's transfer, have passed an order transferring him to one of the identified districts namely Chaibasa.

2. Counsel for the respondents/opposite parties would explain that out of the seven identified districts, where officers of the rank of Dy. Registrar are to be posted, the petitioner has availed posting in four districts while the district of Dhanbad is the home district of petitioner. Out of remaining two districts namely Giridih and Chaibasa, a decision has been taken for transfer and posting of the petitioner at Chaibasa.

3. Counsel for the petitioner would submit, on the other hand, that this is no compliance of the directions contained in the impugned order of this Court in as much as the respondents in transferring the petitioner to Chaibasa, have again perpetrated the same mischief, against which the petitioner had earlier filed the earlier writ application.

4. Learned Counsel, by referring to a progress report of the Registration Department published by State Government, submits that a decision has been

taken to nominate the DCLRs and SDOs of the concerned districts as ex-office Registrars of the Registry Office of such districts including the District of Chaibasa and as such there being no vacancy at Chaibasa, yet, he has been transferred to Chaibasa.

5. Learned Counsel for the respondents on the other hand, would explain that the progress report referred to by the Learned Counsel for the petitioner does not reflect the decision taken by the State Government in the concerned department regarding nomination of the SDOs and DCLRs as Registrars of the Registry office of the districts. Rather, it is a mere proposal for consideration of the appropriate authorities of the State Government. Learned Counsel explains further that the District of Chaibasa has been bifurcated into two Sub-districts for establishing Sub-registry offices and it being one of the identified districts, the petitioner has rightly been transferred to Chaibasa.

6. Considering the entire facts and circumstances and the direction which was issued by this Court in the impugned order, it appears that by reconsidering the petitioner's case, the respondents authorities have passed a fresh order whereby they have decided to transfer the petitioner to one of the identified districts.

7. In this view of the matter, the petitioner cannot complain that the directions contained in the impugned order of this Court have not been complied with by the respondents. Therefore, there appears no further reason to retain this contempt application on board. The same is hereby dropped.

8. However, the petitioner shall be at liberty to file a fresh representation before the concerned authorities of the respondents to modify the order of his transfer from Chaibasa to Giridih, which is one of the admitted identified districts, on the ground of his having reached at the verge of his retirement and his transfer to Chaibasa at this stage would cause great inconvenience and hardship to him. The concerned authorities of the respondents shall consider the petitioner's prayer sympathetically and objectively without suffering any bias and shall take appropriate decision on the petitioner's prayer and, if possible, accommodate him by altering his transfer from Chaibasa to Giridih.

9. If the petitioner files his representation within ten days from the date of this order, the respondents authorities shall consider and dispose of the same by passing a reasoned and speaking order within two weeks from the date of receipt of the representation and shall effectively communicate such decision to the petitioner. Till such decision is taken, the operation of the revised order of transfer dated 08.04.2010 shall remain suspended.

10. Let a copy of this order be given to the Counsel for the respondent-State.