
(2020) 02 RAJ CK 0181
In the Rajasthan High Court
Case No : Civil Writ Petition No. 687 Of 2020

Satya Narayan Laxkar

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 06-02-2020

Acts Referred:

Citation : (2020) 02 RAJ CK 0181

Hon'ble Judges : Dinesh Mehta, J

Bench : Single Bench

Advocate : Kailash Jangid, Vishal Jangid

Final Decision : Dismissed

Judgement

1. The writ petition at hands has been preferred by the petitioner challenging the rejection of his representation by the respondent No.2 (Director Secondary Education) vide order dated 20.12.2019.

2. The facts in nutshell are that the petitioner challenged his transfer order dated 29.09.2019 from Govt. Sr. Secondary School, Chiksi, Chittaurgarh to Govt. Girls Senior Secondary School, Ward No.20 Chhabra, NP Chhabra, Baran by way of preferring an appeal before the Rajasthan Civil Services Appellate Tribunal (hereinafter referred to as "the Tribunal"), which came to be disposed of by the Tribunal vide order dated 15.10.2019 inter alia requiring the competent authority - Director Secondary Education to decide petitioner's representation in accordance with law, while requiring the petitioner to file representation by 25.10.2019.

3. In furtherance of the order dated 15.10.2019, passed by the Tribunal, the petitioner preferred a representation dated 22.10.2019, which in its entirety is reproduced hereunder:-

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4. Petitioner's aforesaid representation was followed by a notice for demand of justice, sent by his counsel.

5. His representation however came to be rejected by order dated 20.12.2019 inter alia observing that the State is the competent authority to transfer an employee from one place to another. Petitioner's representation was rejected in light of judgment of Hon'ble the Supreme Court in State of Punjab Vs. Jogendra Singh; AIR 1993 SC 2486.

6. Mr. Kailash Jangid, learned counsel for the petitioner, challenging the order aforesaid dated 20.12.2019, submitted that on 15.10.2019, along with petitioner's appeal, many other appeals were disposed of by the Tribunal with the same directions; yet petitioner's representation stood rejected, whereas representations filed by other persons (namely Raj Kumar Sharma and Rajesh Kumar Tailor) have been considered favourably and their transfer orders were cancelled and/or new place of posting were provided.

7. Raising a ground of discrimination, it was argued that once identical order of considering representation was passed by the Tribunal, it was the duty of the respondent No.2 to consider petitioner's representation in accordance with law, instead of rejecting the same on the reasons mentioned in the impugned order.

8. Mr. Vishal Jangid, learned counsel for the respondents submitted that so far as acceptance of representations of Raj Kumar Sharma and Rajesh Kumar Tailor are concerned, their cases were considered having regard to grievance raised and difficulties pointed out by them. He emphatically argued that petitioner's representation is as vague as it could be; no reason worth the name has been shown for which his transfer deserved cancellation.

9. Learned counsel further argued that the jurisdiction and power of the State is

not in question in the present case; so long as the State has power to transfer an employee, petitioner can be transferred to any part of the State.

10. Heard.

11. The representation of a Government employee or candidate is required to be decided on the basis of the facts narrated and grievance raised.

12. A look at the representation dated 22.10.2019 (Annex.5) filed by the petitioner shows that it is a casual letter addressed to the Director, seeking his transfer. No valid reasons were indicated, so as to get his transfer cancelled.

13. Petitioner is not justified in levelling the allegation of non consideration or that the order is nonspeaking, when his representation itself is incoherent or wordless.

14. Respondent No.2 was justified in rejecting petitioner's representation dated 22.10.2019, as the same did not contain any valid reason or brought to fore any undue hardship, justifying revocation of his transfer.

15. As a result of discussion aforesaid, this Court hardly finds any substance in the petition; the same is hereby dismissed.

16. Stay petition also stands dismissed accordingly.