
(2003) 01 MP CK 0062
In the Madhya Pradesh High Court
Case No : Writ Petition No. 1936 of 2002

Shrikrishna Gupta

APPELLANT

Vs

State of M.P. and Others

RESPONDENT

Date of Decision : 02-01-2003

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2003) 1 MPHT 507

Hon'ble Judges : A.M. Sapre, J

Bench : Single Bench

Advocate : Vivek Dalal, for the Appellant;

Final Decision : Dismissed

Judgement

A.M. Sapre, J.—Having heard the learned Counsel for the petitioner and having perused the record of the case, I find no merit in this writ petition. As a consequence, it fails and is dismissed in limine.

2. Petitioner, who is working as an employee of Nagar Panchayat seeks to challenge his transfer order. The transfer order is challenged essentially on the ground that it was passed in quick succession. Petitioner says that he was posted to Kukshi by order dated 28-9-2002, which he complied with. It is this order of his posting to Kukshi which is cancelled by the impugned order dated 2-11-2002. This, according to the petitioner, amounts to his subsequent transfer from one place to another and therefore, it is under challenge.

3. I find no merit in this submission. The jurisdiction of the Writ Court is extremely limited in transfer cases. Transfer is always considered to be an incidence of service. It is indeed a part of service condition. An employee does not have a right to contend or object that he should not be transferred from "A" place to "B" place by his employer. It is a right of his employer to transfer the employees working under them as and when occasion arises or as and when exigency demands. It is never regarded as a punishment. It is only when a

strong case of malafide is made out by any employee against his employer, indicating with reference to the facts and documents on record that a particular transfer order by which he is subjected to transfer, has an element of malafide, an employee is being transferred, the Court has a right to interfere, but otherwise not.

4. Coming to the facts of the case, neither a case of malafide is pleaded, nor made out. I do not find it to be a case of even successive or quick transfer from one place to other. Only because a particular transfer order is cancelled, is no ground to contend that it is a case of a quick transfer "A" place to "B" place.

5. Petition, thus fails and is dismissed in limine.