
(2018) 12 RAJ CK 0179
In the Rajasthan High Court
Case No : Civil Writ No. 18853 Of 2018

Shyam Sunder Divakar

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 12-12-2018

Acts Referred:

Citation : (2018) 12 RAJ CK 0179

Hon'ble Judges : Arun Bhansali, J

Bench : Single Bench

Advocate : R.S. Choudhary

Final Decision : Disposed Off

Judgement

This writ petition has been filed by the petitioner aggrieved against the order dated 23.08.2018 passed by the Rajasthan Civil Services Appellate Tribunal, Jodhpur, whereby in an appeal filed by the respondent No.4, interim order has been granted.

By order dated 24.07.2018, the respondent No.4 was transferred vice the petitioner, wherein the petitioner was transferred at his request.

Feeling aggrieved, the respondent No.4 filed an appeal before the Tribunal; before the Tribunal submissions were made regarding violations of Rules of 2011, in which interim order has been granted.

Learned counsel for the petitioner made submissions that the grant of interim order by the Tribunal while noticing the ground as indicated pertaining to the violation of Rules of 2011, is ex-facie incorrect in view of the stipulation indicated in the order dated 24.07.2018, wherein specifically it has been indicated that the consent of the Panchayati Raj Department has been taken and therefore, the grant of interim order by the Tribunal is not justified.

Further submissions have also been made pertaining to the fact that the order of transfer dated 24.07.2018 was justified and the respondent No.4 has no case.

I have considered the submissions made by learned counsel for the petitioner and have perused the material available on record.

Admittedly, the appeal filed by the respondent No.4 wherein the interim order dated 23.08.2018 has been passed, is pending consideration before the Tribunal, wherein the petitioner is also a party. Once, the matter is pending before the Tribunal, it is required of the petitioner to first approach the Tribunal seeking vacation of the interim order and / or disposal of the appeal and without approaching the Tribunal, the filing of the present writ petition directly questioning the validity of order dated 23.08.2018 cannot be sustained.

Consequently, the writ petition filed by the petitioner is dismissed, leaving it open for the petitioner to approach the Tribunal seeking vacation of the interim order / disposal of the appeal, if the petitioner approaches the Tribunal with the appropriate application / reply to the appeal, it is expected from the Tribunal to decide the application / appeal appropriately as expeditiously as possible preferably within a period of six weeks from the date the application in this regard is filed by the petitioner.