
(2012) 08 MP CK 0293

In the Madhya Pradesh High Court

Case No : Writ Petition No. 11915 of 2012

Smt. A. Thakkar

APPELLANT

Vs

State of MP and others

RESPONDENT

Date of Decision : 06-08-2012

Acts Referred:

Citation : (2012) 08 MP CK 0293

Hon'ble Judges : Alok Aradhe, J

Bench : Single Bench

Advocate : Paritosh Trivedi, for the Appellant; Vivek Sharma, learned PL for Respondent Nos. 1 to 3 on advance notice, for the Respondent

Final Decision : Allowed

Judgement

Alok Aradhe, Judge

1. In this writ petition, the petitioner who is Auxiliary Nurse Midwife has challenged the validity of the order dated 13.7.2012 by which she has been transferred to Sub Health Centre Paraswada. Learned counsel for the petitioner submits that by order dated 14.6.2010, the petitioner was transferred from Sub Health Centre Mohgaon (dha) to Sub Health Centre Kanki (Lalbarra). The Respondent No.4, by an order dated 15.6.2010 was also transferred to Kanki, however, her salary was being drawn from Paraswada, as she was in excess. However, by the impugned order dated 13.7.2012, the petitioner has been transferred to Sub Health Centre, Paraswada in the garb of rationalization which is evident from the order dated 13.7.2012.

2. Learned counsel for the petitioner submits that if the transfer was to be effected for the purposes of rationalization, the Respondent No.4 ought to have been transferred instead of the petitioner. It is further submitted that being aggrieved by the order of transfer, petitioner has submitted the representation to the competent authority. It is also submitted that the writ petition be disposed of with a direction to the competent authority to decide the representation

submitted by the petitioner expeditiously. On the other hand, learned Panel Lawyer submits that the representation of the petitioner shall be dealt with in accordance with law.

3. In view of the submissions made by the learned counsel for the parties, the petition is disposed of with direction to the competent authority to decide the representation expeditiously, preferably within a period of two months from the date of production of certified copy of this order.

4. Needless to emphasize that the competent authority shall pass a speaking order and shall communicate the decision to the petitioner. Till the representation is decided by the competent authority, the petitioner shall be allowed to continue at Sub Health Centre Kanki (Lalbarra). Certified Copy as per rules.