

(2010) 11 RAJ CK 0032

In the Rajasthan High Court

Case No : Civil Writ Petition No. 14244 of 2010

Sureshchand Khatik

APPELLANT

Vs

Raj. Civil Services Appellate Tribunal and Others

RESPONDENT

Date of Decision : 03-11-2010

Acts Referred:

Citation : (2010) 11 RAJ CK 0032

Hon'ble Judges : Ajay Rastogi, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Ajay Rastogi, J.—The Petitioner who is working as Head Master, as per his own saying after remained posted for three years in Government Upper Primary School, Girdharpura, Bhilwara has been transferred to Government Upper Primary School, Rajpura, Bhilwara which is at a distance of about 80 kms vide order dt.30.08.2010, against which he filed appeal before the Tribunal. However, while issuing notices and admitting the appeal since interim order as prayed for was declined vide order dt. 07.10.2010 the Petitioner approached this Court by filing instant petition.

2. The main thrust of the submissions of the counsel is that what has been observed by the Tribunal under the order impugned dt.07.10.2010 tentamounts to final disposal of the appeal itself not even the grant of interim stay which has been declined and in view of the observations made nothing remained to be decided in the main appeal.

3. After hearing counsel for the Petitioner and perusal of the order impugned this Court also finds substance that in the light of what has been observed by the Tribunal under the order impugned dt.07.10.2010 no purpose is going to serve in keeping the appeal pending. However, this Court considers it appropriate to grant opportunity to the petitioner to make submissions on merits.

4. Counsel submits that Petitioner has been transferred from Girdharpura,

Bhilwara to Rajpura, Bhilwara for which the Deputy Director (Primary) Education, Zone-Ajmer is not competent and apart from it, the order of selection scale was issued from the office of Deputy Director, Secondary Education, Zone-Ajmer and under these circumstances, he cannot be said to be a authority competent to pass the order transferring the Petitioner.

5. The submissions made are wholly without merit for the reason that Petitioner indisputably is an employee of the Government and not of Department of Education and has been transferred by Ajmer Zone and Ajmer Zone holds competence to transfer employees who fall within Zone Ajmer. Indisputably Bhilwara has the administrative set up in Ajmer Zone by which he has been transferred within Bhilwara from one Government Institution to another after remained posted for three years at a distance of 80 kms as per Petitioner's own saying and this being incidence of service no right could be conferred upon the Petitioner to continue at one station for all times to come. It is also not the case of the Petitioner that the order impugned is in violation of any statutory rules or has been passed with malice, in absence whereof, this Court does not find any error being committed by the authority in passing of the order impugned.

6. So far as the submission made with respect to change of Panchayat Samiti is concerned, it is wholly without substance for the reason that the Petitioner being an employee of the State Government his service conditions are regulated under the Rajasthan Educational Subordinate Rules, 1996 and the Panchayati Raj Act has no application so far as Petitioner's case is concerned.

7. The writ petition is wholly without merit and accordingly stands dismissed. Copy of this order may be sent to the Tribunal for necessary compliance.