

(2023) 08 MP CK 0034

In the Madhya Pradesh High Court

Case No : Writ Appeal No. 1167 Of 2023

Uday Singh Singoriya

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 04-08-2023

Acts Referred:

Madhya Pradesh Uchcha Nyayalaya (Khand Nyaypeeth Ko Appeal) Adhiniyam, 2005 — 2(A)

Citation : (2023) 08 MP CK 0034

Hon'ble Judges : Sushrut Arvind Dharmadhikar, J;Pranay Verma, J

Bench : Division Bench

Advocate : Karpe Prakhar Mohan, Anand Soni

Final Decision : Disposed Of

Judgement

Sushrut Arvind Dharmadhikari, J

1. This Writ Appeal under Section 2(A) of M.P. Uchcha Nyayalaya (Khand Nyaya Peeth Ko Appeal) Adhiniyam, 2005 assails the order dated 31.07.2023 passed in W.P. No.18331/2023 whereby the petitioner, who is working as Forest Guard has been transferred from Beet Satpati Range Sirwel, Forest Division, Khargone to Special Duty Range Bhikangaon.

2. Learned counsel for the appellant submitted that the appellant has been transferred in violation of Clause 14 and 33 of the Transfer Policy. He further submitted that the appellant has been elected as District President for Madhya Pradesh Van Karmchari Sangh, Bhopal which is a recognized union and therefore he is exempted from transfer for a period of 4 years from 15.05.2023. He further submitted that the appellant has not completed three years of service at the present place of posting. On these grounds he has assailed the transfer order.

3. Learned Single Judge while deciding the Writ Petition has held that all these grounds are liable to be considered by the transferring authority and not by the High Court as there is no violation of any statutory rules and regulations and

mala fide.

4. Learned counsel for appellant submitted that the appellant has already filed a representation raising all these grounds before the competent authority which is still pending. Learned Single Judge at least ought to have issued a direction to decide the same in accordance with law.

5. On the other hand, learned counsel for the respondent/State submits that if directions are issued, the representation dated 22.07.2023 (Annexure P/5) filed with the Writ Petition shall be decided in accordance with law.

6. Heard learned counsel for the parties.

7. In view of the facts and circumstances of the case, the competent authority is directed to decide the pending representation dated 22.07.2023 as expeditiously as possible preferably within a period of two weeks from the date of receipt of certified copy of the order and pass a reasoned and a speaking order considering all the grounds raised in the representation. Till then if the appellant is not relieved, he shall be allowed to continue at the present place of posting.

8. With the aforesaid direction, this Writ Appeal stands disposed off. C.c. as per rules.