

(2020) 07 MP CK 0124
In the Madhya Pradesh High Court
Case No : Writ Petition No. 8636 Of 2020

Vinod Kumar Bhatt

APPELLANT

Vs

State Of M.P. Thr. The Secretary And Others

RESPONDENT

Date of Decision : 10-07-2020

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2020) 07 MP CK 0124

Hon'ble Judges : Vijay Kumar Shukla, J

Bench : Single Bench

Advocate : Anil Kumar Dwivedi, Swapnil Ganguly

Final Decision : Dismissed

Judgement

In the instant petition a challenge has been made to the impugned order dated 14.5.2020 whereby the petitioner has been assigned duty from Forest

Range Manpur to Forest Range Panpatha, District Umaria.

Counsel for the petitioner submits that the aforesaid order is stigmatic and punitive in nature. He has referred to Annexure P/1 whereby a

communication was issued to the petitioner and one Shiv Kumar that they have committed misconduct and therefore, they are liable to be punished.

Counsel for the petitioner on the basis of the aforesaid communication which has been referred in the impugned order submits that impugned order of

posting is punitive in nature. In support of his submissions, he has placed reliance on the judgment passed by this Court in the case of Nanuram Vs.

State of M.P. reported in 2018(1) MPLJ 63.

Per contra, counsel for the State on instructions submits that wireless control room has become non operational and therefore, the petitioner has been

shifted to other checking barrier because there is shortage of staff. It is further contended by him that the order is on administrative exigency. It is also

contended by him that mere mentioning of the communication dated 15.9.2019 and 18.9.2019 the impugned order would not become punitive in nature.

I have heard learned counsel for the parties. Upon perusal of the impugned order there is no stigma attached in the order itself. Therefore, the

judgment referred to by the counsel for the petitioner would not render any assistance in the facts of the present case. The impugned order is, as per

the instructions of the Counsel for the State, passed on administrative exigency. Mere reference of communication dated and 18.9.2019 in the

impugned order would not make transfer order punitive or stigmatic.

Even otherwise, Law relating to scope of interference in the transfer matter is no longer res integra, as held by the Supreme Court in the cases of

Gujrat Electricity Board and another vs. Atmaram Sungomal Poshani, (1989) 2 SCC 602 ;Union of India and others vs. S.L. Abbas, AIR 1993 SC

2444 and the judgment passed by the Division Bench of this Court in the case of R.S.Choudhary vs. State of M.P. and others, 2007 (2) ILR MP

Series 1329, the transfer is an incidence of service and the transfer order can only be interfered by the Courts of law if the transfer is issued in

violation of the statutory rules or the order suffers from malafide exercise of power.

In the instant petition the petitioner could not establish any breach of statutory rule or a case of mala fide. The petitioner has failed to make out any

case warranting interference under Article 226 of the Constitution of India.

Hence the writ petition being devoid of merit is dismissed.