

HIGH COURT OF MADHYA PRADESH: BENCH AT INDORE

WP NO.18447/2021

1.Tansingh Muniya s/o Badiya Muniya, Aged 40 years, occupation service R/o village Parawaliya Ward 10, Tehsil Thandla, district Jhabua, M.P.Petitioner.

vs.

1.State of M.P through Principal Secretary, Department of Tribal Affairs, Rajiv Gandhi Bhawan, Doordarshan Colony, Krishna Nagar, Bhymala Hills, Bhopal M.P 462002.

2.Office of Collector (Department of Tribal Affairs) Jhabua, M.P, Basant Colony, Jhabua, M.P 457661.

3.Assistant Commissioner, Tribal Affairs Department, Jhabua, Office of Collector, Jhabua, M.P 457661.

4.Chief Executive Officer, District Panchayat, District Jhabua, Madhya Pradesh.Respondents.

16.09.2021: (Indore):

Shri Lokendra Joshi, learned counsel for the petitioner.

Shri Shrey Raj Saxena, learned Dy.A.G for the State on advance copy.

Heard.

Petitioner has filed the present petition seeking quashment of the transfer order dated 31.08.2021 whereby he has been transferred from Govt. High School, village Udaipuriya, Tehsil Thandla, district Jhabua to Govt. Higher Secondary School, village Karwad, Tehsil Petlawad, district Jhabua on administrative ground.

Learned counsel for the petitioner submits that the impugned transfer order has been passed in violation of the Transfer Policy framed by the State Govt. The petitioner is 55% permanently disabled person. He has not completed the normal tenure of 3 years at the present place of posting. He has an unblemished service record as

there is no complaint against him so far. The petitioner has already made a representation (Annexure P/7) against his transfer order which is pending consideration and decision by the competent authority.

Learned Panel Lawyer opposes the prayer, however, submits that the petition may be disposed of by directing the respondents to decide the representation filed by the petitioner.

The grounds raised in this petition challenging the impugned transfer order are liable to be considered by the transferring authority instead of this Court under Article 226 of the Constitution of India as there is no violation of any service conditions or mala fide in the impugned transfer order. Hence, the petition is disposed of with direction to the transferring authority to consider and decide the representation submitted by the petitioner preferably within a period of 60 days from the date of production of certified copy of this order. Till then, the petitioner shall be permitted to work at the present place of posting.

With the aforesaid direction, the petition stands disposed of.

C.c as per rules.

(VIVEK RUSIA)
JUDGE

hk/