

HIGH COURT OF MADHYA PRADESH : BENCH AT INDORE
W.P. No.19080/2021
Gokul Verma S/o Nanuram Verma V/s. State of M.P.

Indore, Dated:- 16/09/2021

Shri Arvind Kumar Sharma, learned counsel for the petitioner –
Gokul Verma S/o Nanuram Verma.

Shri Chetan Jain, learned Government Advocate for the
respondents/State.

Heard on the question of admission and interim relief.

By this Writ Petition preferred under Article 226 of the
Constitution of India, the petitioner has challenged the order dated
31.08.2021 (Annexure P/1) passed by respondent No.2, Deputy
Director, Farmer Welfare and Agriculture Department, Ujjain;
whereby he has been transferred from Vikaskhand Badnagar to
Vikaskhand Mahidpur in District Ujjain.

The contention of learned counsel for the petitioner is that he is
the Vice President of Tehsil Branch of Madhya Pradesh Rajya
Karmchari Sangh in District Ujjain as is evident by the appointment
letter dated 03.06.2021 (Annexure P/3) issued by the said Sangh in
that regard. In view of Clause 33 of the transfer policy dated
24.06.2021 of the State Government, he could not have been
transferred since an office bearer of an organization cannot be
subjected to transfer for two terms of two years each i.e. total period
of four years. It is further submitted that at the present place itself

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from which the petitioner has been transferred there are total 23 sanctioned posts, out of which 15 posts are lying vacant, hence, there was no justification for the petitioner to have been transferred. It is further submitted that the petitioner has been transferred to a place which is at a distance of 110 Kms. from his present place of posting, which shall result in extreme difficulty to his family. It is, hence, submitted that the transfer order being in contravention to the transfer policy of the State Government is illegal and bad in law.

Learned counsel for the respondent/State opposes the petition and has supported the impugned order.

During course of arguments, it is brought to the notice to this Court by the learned counsel for the petitioner that against his transfer order the petitioner has already submitted a representation dated 05.09.2021 to respondent No.2, which is pending consideration.

In the available facts of the case, I deem it fit and proper to direct respondent No.2 to consider and decide the pending representation dated 05.09.2021 (Annexure P/4) of the petitioner within a period of four weeks from today by passing a reasoned and a speaking order.

Till the decision of representation of the petitioner the impugned transfer order dated 31.08.2021 (Annexure P/1) in so far as

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it relates to the petitioner shall remain stayed and the petitioner shall be permitted to continue at his present place of posting.

With the aforesaid direction, the present petition stands disposed of.

It is made clear that this Court has not expressed any opinion on merits of the case.

Certified copy as per rules.

(PRANAY VERMA)
JUDGE

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