

Mohammad Akram Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Oct-29-2012

Appellant : Mohammad Akram

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. Vishal Dhagat

Judgement :

1 W.P.No.17446/2012 29.10.2012 Shri Vishal Dhagat, learned counsel for the petitioner.

Shri Rajesh Tiwari, learned Govt.

Adv.for the respondents.

Petitioner is working as a Rural Agriculture Extension Officer and is posted in the office of Deputy Director, Chhatarpur.

Vide order dated 17.7.2012 Annexure P/4 petitioner is being posted to District Panna.

Challenging his posting to District Panna, this writ petition has been filed and the only ground canvassed is to the extent that petitioner was initially allocated to the State of Chhatisgarh at the time of reorganization of the State.

He filed a writ petition challenging the said allocation and the competent authority of the Government of India was directed to consider and decide the representation of the petitioner.

Representation of the petitioner has been considered and allowed by the competent authority of the Government of India and petitioner's allocation to the State of Chhatisgarh has been cancelled and not he is being retained in Madhya Pradesh.

It is not stated by learned counsel for the petitioner that not when the petitioner's allocation has been canceled he should be posted at the same place at Chhatarpur and his reposting to Panna by the impugned order is unsustainable.

Shri Rajesh Tiwari, learned Govt.

Advocate points out that due to reorganization of the State and keeping in view the requirement of administration even though petitioner was initially allocated to the State of Chhatisgarh but in the light of representation decided by the Government of India various employees whose services were allocated to the State of Madhya Pradesh are required to be posted in accordance to requirement of work and under such exercise petitioner is posted in Panna.

As no statutory rules or regulations are violated in the said posting, it is argued by Shri Rajesh Tiwari that there is no illegality in the matter.

Having heard learned counsel for the parties and on perusal of the record it is clear that the petitioner's allocation to the State of Chhatisgarh has been cancelled and by retaining him in the State of Madhya Pradesh instead of permitting him to work at Chhatarpur he is posted to Panna.

While issuing posting orders of more than 17 employees in whose cases changes have been made in their orders of allocation as the order impugned posting the petitioner in District Panna is not found to be in breach of any statutory rules or regulations not is malafide made out, I see no reason to interfere into the matter.

Merely because petitioner's allocation to the State of Chhatisgarh is canceled by the Government of India by allowing his representation that does not mean that petitioner is entitled to work at Chhatarpur where he was working prior to his allocation.

As per the terms and conditions of appointment and until and unless the said posting or transfer is shown to be in violation of any statutory rules or regulations interference into such administrative action by this Court is not called for.

In case petitioner has any grievance with regard to his posting at Panna, he should represent to the competent authority and it would be for the competent authority to take note of his grievance and decide representation in accordance with law.

However, on such ground interference into the matter is not called for.

Accordingly finding no ground to interfere, this petition is dismissed with liberty to the petitioner to take recourse to the departmental remedies available as indicated herein above.

(RAJENDRA MENON) JUDGE Mrs.mishra

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