

M.A.Qureshi Vs. Madhya Pradesh Housing Construction and Infrastructure Development Board

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Court : Madhya Pradesh

Decided On : Jul-29-2013

Appellant : M.A.Qureshi

Respondent : Madhya Pradesh Housing Construction and Infrastructure Development Board

Advocate for Pet/Ap. : Shri. Rajneesh Gupta

Judgement :

W.P.No.12677/2013 (M.A.Qureshi versus MP Housing Construction & Infrastructure and Development Board and otheRs.29.07.2013 Heard Shri Rajneesh Gupta, learned counsel for the petitioner on the question of admission and interim relief.

The petitioner, who is an Assistant Engineer, has filed this petition being aggrieved by order dated 11.07.2013 by which he has been transferred to Sub Division Sheopur, Murena, Division.

It is submitted by the learned counsel for the petitioner that the transfer of the petitioner is in violation of the transfer policy inasmuch as it results in separating the husband and wife.

It is submitted that the petitioner's wife is working as a Lecturer in Government Urdu Girls Higher Secondary School, Indore and therefore the petitioner could have been permitted to stay at Indore itself.

It is also submitted that the petitioner is being replaced by a Sub Engineer which is not permissible in law.

It is further submitted that the petitioner has filed a representation on 17.07.2013 before the authorities bringing to their notice the aforesaid transfer policy but no decision thereon has been taken till date.

A Division Bench of this Court in R.S.Chaudhary versus State of M.P.and Others,ILR [2007].MP 132.has already held that in case transfer is alleged to be contrary to the policy, the appropriate remedy of the petitioner is to approach the authorities themselves by filing a representation.

In view of the aforesaid, without entering into the merits of the case or making any comments on the entitlement of the petitioner, the petition filed by the petitioner is disposed of with a direction to the effect that in case the petitioner furnishes a copy of the order passed today and a copy of the petition before the authority concerned within a week, the representation of the petitioner dated 17.07.2013 shall be considered and decided by the authority concerned in accordance with law, keeping the transfer policy in mind, within a period of six weeks thereafter.

The petitioner, if so advised, may also move an application for interim relief which shall be considered by the concerned authority at the earliest.

Till decision on the aforesaid application, status quo, as it exists today, shall be maintained by the parties.

However, it is made clear that this court has not expressed any opinion on the merits of the case and therefore the authority would be at liberty to examine the matter keeping all facts and facets into consideration and thereafter either accept or reject the representation by passing a reasoned order.

With the aforesaid directions, the petition filed by the petitioner stands disposed of.

C.C.as per rules.

(R.S.Jha) Judge msp

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