

Ashok Kumar Pathak Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Aug-26-2013

Appellant : Ashok Kumar Pathak

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. S.M.Shukla

Judgement :

W.P.No.13797/2013 Ashok Kumar Pathak vs. State of M.P. & ORS.1 26.08.2013
Heard Shri S.M.Shukla, learned counsel for the petitioner, on the question of admission and interim relief.

The petitioner has filed this petition being aggrieved by order dated 26.7.2013 by which he has been transferred as Panchayat Secretary from Gram Panchayat Godahi, Janpad Panchayat Sihawal to Gram Panchayat Patulukhi.

It is submitted that the impugned order is contrary to Clause 4 of the transfer policy which provides for transferring a Panchayat Secretary to an adjacent Gram Panchayat.

The petitioner also alleges violation of the other clauses of the policy.

A Division Bench of this Court in the case of 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 authority themselves by filing a representation.

In view of the aforesaid, the petition filed by the petitioner is disposed of with a direction to the effect that in case the petitioner files a fresh representation before the respondent authorities within fifteen days from today alongwith a copy of the order passed today and a copy of the petition, W.P.No.13797/2013 Ashok Kumar Pathak vs. State of M.P. & ORS.2 the concerned authority shall consider and decide the same expeditiously in accordance with the transfer policy as far as possible preferably 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 and till decision on his application, the operation of the impugned order dated 26.7.2013 as far as it relates to the petitioner shall remain stayed.

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 direction, the petition, filed by the petitioner, stands disposed of.

C.C as per rules.

(R.S.JHA) JUDGE mms/-

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