

Ku. Hansa Uke Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Aug-16-2013

Appellant : Ku. Hansa Uke

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. Ravindra Bisen

Judgement :

W.P.No.13492/2013 Ku. Hansa Uke vs. State of M.P. & ORS.1 16.08.2013 Heard Shri Ravindra Bisen, learned counsel for the petitioner, on the question of admission and interim relief.

The petitioner has filed this petition being aggrieved by order dated 12.7.2013 by which she has been transferred as Panchayat Secretary from Gram Panchayat Gowari to Gram Panchayat Koylikhapa, District Balaghat.

It is submitted by the learned counsel for the petitioner 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 W.P.No.13492/2013 Ku. Hansa Uke vs. State of M.P. & ORS.2 the order passed today and a copy of the petition, 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 her application status quo as it exists today shall be maintained by the parties.

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 msp.

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