

M.K. Gupta Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Oct-08-2012

Appellant : M.K. Gupta

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. Sanjay Agrawal

Judgement :

M.K.Gupta versus State & ORS.W.P.No.16995/2012 08/10/2012 Shri R.P.Agrawal, learned Sr.Advocate with Shri Sanjay Agrawal, learned counsel for the petitioner.

Shri Rajesh Tiwari, learned GA for the respondents/State.

Shri Gorav Tiwari, learned counsel appears for Respondent No.4.

Petitioner is working as an Inspector, Weights and Measures, Raisen and by the impugned order dated 27.9.2012, petitioner has been transferred from Raisen to Narsinghpur.

It is the case of the petitioner that an executed order of transfer has been cancelled vide Annexure-P12 dated 27.9.2012 and only to grant adjustment to Respondent No.4, petitioner's transfer is being annulled and, therefore, it is stated that the action impugned for granting adjustment to Respondent No.4 is unsustainable.

Respondent No.4 has filed a detailed reply and has brought to the notice of this Court certain facts that due to ailment of his wife, he has submitted a representation and, therefore, accepting his representation, his transfer has been cancelled.

Keeping in view the law laid down in the case of Shilpi Bose versus State of Bihar and others, AIR 1991.SC, 532, prima-facie, there seems to be no error in the impugned action because if the representation of Respondent No.4 has been accepted, the transfer order has to be cancelled.

In view of the above, I see no ground to grant any interim relief.

M.K.Gupta versus State & ORS. Prayer for interim relief is accordingly, rejected.

Respondents to file reply within two weeks.

List, thereafter, for orders. (Rajendra Menon) Judge

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