

K.K. Singh Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Sep-05-2012

Appellant : K.K. Singh

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. V.D.S.Chauhan

Judgement :

K.K.Singh versus State of M.P.& ORS.Writ Petition No.14218

5. 9.2012 Shri V.D.S.Chauhan, learned counsel for the petitioner.

Smt.

D.K.Bohrey, learned Panel Lawyer for the State, on advance notice.

Petitioner is working as Lekhapal in the Tribal Development Department and is presently posted in Shahdol.

By the impugned order dated 5.6.2012 and 13.7.2012 petitioner has been transferred from Shahdol to the office of Assistant Commissioner Sagar.

Challenge to the order of transfer is made merely on the ground of breach of transfer policy.

Records indicate that challenging same order petitioner had approached this Court in W.P.No.11045/2012(s) and on 7.8.2012 vide Annexure P-7 the writ petition was disposed of directing the respondents to consider and decide the representation of petitioner.

The representation of the petitioner has already been forwarded to the competent authority on 17.8.2012 vide Annexure P-8 and in the meanwhile petitioner has again approached this Court.

Considering the fact that in the case of petitioner already an order has been passed and the representation filed by the petitioner is pending, as is evident from the documents available particularly Annexure P-7 & P-8 it is not appropriate for this Court to interfere into the matter.

The conduct of the petitioner cannot be appreciated by this Court, as earlier writ petition W.P.No.11045/2012(s) was disposed of by this Court on 7.8.2012 and it seems that on the basis of representation submitted by petitioner the competent authority has forwarded the representation to the Commissioner Tribal 2 Development Bhopal vide Annexure P-8 dated 17.8.2012 with a copy to the petitioner.

Immediately on receipt of the aforesaid without even waiting for the authority to decide the representation, even a period of two months time was granted by this Court on 7.8.2012, petitioner has again approached this Court.

In the order passed by this Court on 7.8.2012 in W.P.No.11045/2012(s) this Court had granted two months time to the respondents to decide the representation.

The two months period will be over only in the month of October, 2012 and, therefore, the act of the petitioner in rushing to this Court again without waiting for the representation to be decided, seems to be wholly irresponsible and uncalled for, on the part of petitioner and such an act of the petitioner cannot be appreciated.

The petitioner is directed to be careful in future, failing which action shall be taken against him for misusing the process of law in the manner as has come on record.

Accordingly, finding no ground to interfere into the matter for the reasons as indicated hereinabove, this petition is dismissed.

(Rajendra Menon) Judge ss*

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