

Ramayan Singh Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Aug-14-2013

Appellant : Ramayan Singh

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Smt. Amrit Ruprah

Judgement :

W.P.No.13795/2013 (P.L.Uike versus State of MP and otheRs.14.08.2013 Heard Smt.

Amrit Ruprah, learned counsel for the petitioner on the question of admission and interim relief.

The petitioner has filed this petition being aggrieved by order dated 15.07.2013 by which he has been transferred as Panchayat Secretary from Gram Panchayat Ghat Pipariya, Tahsil and Janpad Panchayat Dhanora District Seoni to Gram Panchayat Aamgaon Janpad Panchayat, Barghat.

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

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 authority themselves by filing a representation.

In view of the aforesaid, without entering into the merits of the case the petition filed by the petitioner is disposed of with a direction to the effect that in case the petitioner files a copy of the order passed today and a copy of the petition before the authority concerned within fifteen days from the date of receipt of the certified copy, the representation of the petitioner Annexure P/3 dated 31.07.2013 shall be considered and decided by the authority concerned in accordance with law, keeping the transfer policy in mind, within a period of two months 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.

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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