

Court No. - 21

Case :- SPECIAL APPEAL No. - 652 of 2023

Appellant :- Shiv Kumar

Respondent :- State Of U.P. And 3 Others

Counsel for Appellant :- Om Prakash Chaube, Sr. Advocate

Counsel for Respondent :- C.S.C., C.S.C.

Hon'ble Manoj Kumar Gupta, Acting Chief Justice

Hon'ble Kshitij Shailendra, J.

1. The instant intra-court appeal is directed against the order dated 21.08.2023 passed by the writ court dismissing the writ petition filed by the appellant challenging the transfer order dated 28.06.2023.

2. The appellant holds the post of Driver. By order dated 28.06.2023, he was transferred from Ghaziabad to Meerut, which is adjoining district.

3. The writ court, after examining all the contentions raised on behalf of the appellant, has declined to interfere with the transfer order being of the opinion that it was done on administrative ground. Learned Single Judge has also considered the fact that the appellant is due to retire in less than one year. However, interference with the transfer order was declined as there were serious allegations against the petitioner and continuance of the petitioner at Ghaziabad was not possible for administrative reasons.

4. Sri Ashok Khare, learned Senior Counsel, appearing on behalf of the appellant admits that the appellant has not joined the transferred place so far. He submits that this was for the reason that he had been litigating and the instant appeal had remained pending.

5. We do not approve of the manner in which the appellant has conducted himself. Even if he had any grievance against the transfer order, he should have joined the transferred place as almost six months have already passed since he was transferred.

Moreover, we find that learned Single Judge has given cogent reasons for not interfering with the transfer order. Consequently, we find no good ground to interfere with the order of learned Single Judge.

6. The appeal lacks merit and is, accordingly, **dismissed**.

Order Date :- 13.12.2023
AKShukla/-

(Kshitij Shailendra, J.) (Manoj Kumar Gupta, A.C.J.)