

Court No. - 5

Case :- WRIT - C No. - 32038 of 2023

Petitioner :- Sanjay Garg

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

Counsel for Petitioner :- Vijay Kumar Pathak,Manu Mishra

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

Hon'ble Piyush Agrawal,J.

Heard learned counsel for the petitioner and Mr. Diptiman Singh, learned counsel for respondent no. 4.

By means of present petition, the petitioner is assailing the order dated 29.5.2013 by which transfer application filed by the petitioner has been rejected.

Learned counsel for the petitioner submits that the petitioner has moved a transfer application on the ground of health issue as he is having some problem in his left leg which caused inconvenience him to appear on the date fixed before the labour court but without considering the grievance of the petitioner, the impugned order has been passed.

Rebutting the said submission, learned counsel for respondent no. 4 submits that the petitioner has already engaged a counsel before the Labour Court who has appeared on various dates on behalf the petitioner. He further submits that against respondent no. 4, there are almost 49 cases are being adjudicated before the Labour Court and if such type of transfer application is allowed, the same will cause harassment to respondent no. 4 for pursuing the matter before the labour court. He further submits that more than 50% of Labour Courts are not operational due to vacancy. In support of his submission, he relied upon the judgement / order passed in PIL no. 2238 of 2023 where this Court has already taken note of the said fact. He further submits the there is no infirmity in the impugned order and prays for dismissal of the present writ petition.

After hearing learned counsel for the parties, this Court does not find any illegality in the impugned order which may cause interference of this Court. The writ petition lacks merit and same is dismissed accordingly.

Order Date :- 13.10.2023

Rahul Dwivedi/-