

Court No. - 33

Case :- WRIT - A No. - 16252 of 2023

Petitioner :- Ajay Kumar

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Akhilesh Kumar, Mohd. Ishraque Farooqui

Counsel for Respondent :- C.S.C.

Hon'ble J.J. Munir, J.

Heard Mr. Akhilesh Kumar, learned Counsel for the petitioner, Mr. Satyam Singh, learned Counsel appearing on behalf of respondent nos. 3 and 4 and Ms. Monika Arya, learned Additional Chief Standing Counsel on behalf of respondent nos. 1, 2 and 5.

The petitioner has been transferred by the Member Secretary, District Administrative Committee/the Assistant Commissioner and Assistant Registrar, Cooperatives, Etah from the office of the Administrative Committee/Assistant Commissioner and Assistant Registrar, Cooperatives, Etah to the office of B-Packs, Garhi Kakoda, Development Block Aliganj, District Etah. The petitioner has been transferred to the said Society on the post of Secretary.

Learned Counsel for the petitioner argues that the transfer order has been passed without the approval of the Deputy Commissioner/ Deputy Registrar, Cooperatives and is, therefore, illegal. He further submits that it is arbitrary.

Nothing has been shown by the learned Counsel for the petitioner in the rules that may render it imperative for the Assistant Registrar to seek prior approval of the Joint/Deputy Commissioner, Cooperatives for the purpose of transferring the petitioner from his office to the B-Packs Society as a Secretary. The petitioner has been transferred within the district of Etah. There is no violation of equities either.

It is well known that transfer is an incident of service and it is not open to this Court except on very limited ground to interfere with an order of transfer.

In the result, this petition fails and is **dismissed** summarily.

Order Date :- 28.11.2023/Vijay