

Court No. - 34

Case :- WRIT - A No. - 17035 of 2023

Petitioner :- Dr. Praveen Bharti

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Pankaj Kumar Srivastava, Astitva
Srivastava

Counsel for Respondent :- C.S.C.

Hon'ble Ajit Kumar, J.

Heard learned counsel for the petitioner and learned Standing Counsel for the State respondents.

Petitioner, who has been working as Veterinary Medical Officer, has been transferred from Phaphunda, Meerut to Sarurpur, Meerut.

Learned counsel for the petitioner submits that earlier petitioner being a handicapped person prayed that he may be exempted from the administrative decision of transfer and yet he was transferred at a distance of 80 kms from Phaphunda, Meerut as she was transferred from Phaphunda to Nanauta, Saharnapur under the order dated 28th June, 2023. He submits that though he has now been repatriated on his request to remain posted at Phaphunda Hospital has not been acceded to. Transfer order has been passed on 30th June, 2023 and almost more than four months are coming to end.

In the circumstances, I do not find any justification to interfere with the transfer order, all the more in the circumstances that petitioner has submitted his joining.

Learned Standing counsel submits that petitioner has already approached the authority vide representation dated 3rd July, 2023 to the Director of Animal Husbandry, U.P. Lucknow, the same may be directed to be disposed of in accordance with law.

Learned counsel for the petitioner has placed reliance upon the judgment of this Court in the case of Laxmi Kant Mishra v. State of U.P. and others (Service Singh No.- 9678 of 2020) decided on 19th January, 2021, in which it has been provided that guidelines and policy framed by the State cannot be permitted to be flouted whimsically by the authorities as they are meant to be followed.

He submits that under the transfer policy physically challenged persons are to be accorded special consideration to exempt them from transfer.

Let the grievance raised by the petitioner be examined by the competent authority in the matter, namely, Director, of Animal Husbandry, U.P. Lucknow by passing appropriate orders upon the representation of the petitioner dated 3rd July, 2023 after giving full opportunity of hearing to the petitioner as well as respondent No.- 5 within a period of 30 days from the date of production of certified copy of this order.

With the aforesaid observations and directions, this petition stands disposed of.

Order Date :- 17.10.2023

Atmesh