

Court No. - 34

Case :- WRIT - A No. - 17442 of 2023

Petitioner :- Surendra Kumar

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

Counsel for Petitioner :- Pradeep Kumar Singh

Counsel for Respondent :- C.S.C.

Hon'ble Ajit Kumar,J.

1. Heard learned counsel for the respective parties and perused the record.
2. By means of this petition filed under article 226 of the Constitution, the petitioner has challenged the order dated 29th of August, 2023, whereby his representation has been rejected.
3. Admittedly, the petitioner has worked for more than three years at one place and as per the transfer policy, he can be shifted from one place to another. The ground taken is that the petitioner has been discriminated and, therefore, there cannot be administrative exigency. It is also argued that the transfer order has been passed ignoring the seniority of the employees and their length of service at an appropriate station. The department itself should comply with the guidelines laid down.
4. Per contra, learned Standing Counsel argued that administrative exigency is matter of administrative discretion which cannot be examined by this Court in exercise of power under article 226 of the constitution unless and until exercise of such discretion is vitiated for mala fides or bad for want of authority. He submits that no such case has been devolved.

5. Since, the petitioner has been transferred from one block to another block within the same district and the petitioner has already spent more than three years of service at one station, I decline to grant any indulgence in the matter. It transpires further that the petitioner has been suspended on the ground of his not joining. Let the petitioner submit his joining within two weeks from today and respondents shall accept his joining. Subject to his joining within the time prescribed as prayed by the petitioner, his suspension order is hereby quashed.

6. With the aforesaid observation, the writ petition is disposed of.

Order Date :- 16.10.2023

Shiraz