

Court No. - 34

Case :- WRIT - A No. - 18653 of 2023

Petitioner :- Dr. Saket Bihari

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Sriprakash Rai

Counsel for Respondent :- C.S.C., Sadaqat Ullah Khan

Hon'ble Ajit Kumar, J.

1. Heard learned counsel for the parties.

2. By means of this petition, petitioner has assailed the order of transfer dated 21.07.2023 on the ground that it is a mere proposal, however, from the record it transpires that the said proposal has stood approved by the Director General of Medical and Health Services. The ground taken for approaching this Court after a substantial delay is that petitioner has not been relieved from the current place of posting, inasmuch, it is submitted by learned advocate that hospital where the petitioner is being transferred is still under construction. It is also argued that if a hospital is under construction the appropriate construction activity could have been better looked after by the person who was already posted there and there was no occasion to pass transfer order in the given facts and circumstances.

3. *Per contra*, it is argued by the learned Standing Counsel that it is an order of transfer general in nature transferring a number of doctors from one place to another and petitioner cannot take a special ground to be singled out especially from the list merely on the ground that construction activity is going on at the transferred place.

4. Having heard learned counsel for the respective parties and having perused the record, while petitioner has stood transferred on 21.7.2023, the same had stood approved at that relevant point of time and so, I do not find any justification for petitioner sitting back and wait for relieving order. If the petitioner was aggrieved by its transfer order, he could have approached this Court in earlier point of time but now he has come to this Court only when he has been relieved. However, if the petitioner has any grievance regarding his transfer, it is open for him to raise such plea making a representation, if so advised. He may also take the plea of

transfer policy that governs transfer of an employee of his category as he has remained posted at Chanauli since the year 2022 only.

5. Accordingly, while I decline to interfere in this petition questioning transfer order, at the same time I hereby provide that in the event petitioner makes a representation within two weeks from today raising all his grievances, the same may be considered and decided by the concerned respondent within a further period of two weeks.

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

Order Date :- 7.11.2023

P Kesari