

Court No. - 39

Case :- SPECIAL APPEAL No. - 762 of 2023

Appellant :- Managing Director Purvanchal Vidhyut Vitran Nigam Ltd.

Respondent :- Rishi Pal Singh And 2 Others

Counsel for Appellant :- Adarsh Bhushan

Counsel for Respondent :- C.S.C.,Ashok Kumar Singh Bais,Manoj Kumar Srivastava

Hon'ble Saumitra Dayal Singh,J.

Hon'ble Vinod Diwakar,J.

1. Heard Sri Adarsh Bhushan, learned counsel for the appellant learned Standing Counsel for the State-respondents.
2. Learned counsel for the appellant submits that the impugned order has been obtained by mis-representation. Though, numerous show-cause notices had been issued to the appellant-respondent prior to his transfer order dated 24.8.2023, that material fact was completely concealed from the learned Single Judge.
3. Second, it has been submitted that law in ***Somesh Tiwari Vs. Union of India and others (2009) 2 SCC 592*** did not create any embargo on the transfer order for administrative exigency.
4. While, the submission being advanced by learned counsel for the respondent-appellant may remain to be tested before the learned Single Judge both in the pending writ petition as also on the appropriate recall/stay application that may be filed by the respondent-appellant and while we leave that course open to the appellant, it cannot be disputed that in the first place, the proceedings by way of intra-court appeal are proceedings of appeal on principle. Second, the order impugned being an interlocutory order passed in exercise of powers vested under Article 226 of the Constitution of India. All grounds the respondent- appellant seeks to raise, may remain available to the respondent-appellant in the proceedings that have given rise to present intra-court appeal.
5. As such, we are not inclined to offer any interference with the impugned order passed by the learned Single Judge dated 6.11.2023 passed in Writ-A No. 14781 of 2023 (Rishi Pal Singh Vs. State of U.P. and others).
6. The present intra-court appeal stands **dismissed**.

Order Date :- 11.12.2023

CS/-

(Vinod Diwakar, J.) (S.D. Singh, J.)