

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 3054 of 2023

Applicant :- Akhilesh Mishra

Opposite Party :- Sri Rohit Bharti, District Panchayat Raj Officer,
Barabanki

Counsel for Applicant :- Puttan Singh

Hon'ble Rajesh Singh Chauhan,J.

1. Heard.

2. Sri Amrendra Singh, learned Additional Chief Standing Counsel has drawn attention of this Court towards order of Writ Court dated 18.08.2023 passed in Writ-A No. 5708 of 2023 which reads as under:

"Heard learned counsel for petitioner and learned State counsel for opposite parties.

Under challenge is the transfer order dated 28.07.2023 and the approval order of the same date passed by the District Magistrate.

It has been submitted that the petitioner, who is working on the post of Gram Panchayat Adhikari, has been transferred within the same district from one Development Block to the other but the said transfer is against the provisions of paragraph 3 (iii) and (v) of the Government Order dated 07.06.2023 inasmuch as the petitioner has been transferred after having completed only two years of posting at the current place. It has also been submitted that as per paragraph 3 of the Government Order dated 07.06.2023, read with Government Order dated 13.05.2022, annual transfers are required to be completed by 13.06.2022 whereafter the same can be directed only after approval by the Departmental Minister.

Learned State Counsel has stated that in the present case approval has been granted by the District Magistrate and not by the Departmental Minister. He has also stated that written instructions have been provided to him to indicate the fact that the petitioner has been transferred after approval by the competent authority but he does not have any instructions regarding the aforesaid submissions which have been indicated in paragraphs 11, 15 and 21 of the petition.

Prima facie, submission advanced by learned counsel for petitioner has force and requires consideration for which opposite parties are granted four weeks' time to file counter affidavit.

List on 19th September, 2023.

Until further orders of this Court, operation and implementation of the impugned orders dated 28.07.2023 shall remain stayed."

3. Sri Amrendra Singh has shown the copy of order dated 15.09.2023 passed by District Panchayat Raj Adhikari, Barabanki, which is taken on record, whereby, in compliance of the order of Writ Court, the operation and implementation of the impugned order dated 28.07.2023 has been kept in abeyance and the petitioner has been permitted to discharge his duties at

Haidergarh subject to final outcome of the writ petition. The copy of the aforesaid order is provided to learned counsel for the petitioner.

4. In the wake of aforesaid development, nothing remains to be adjudicated in the present contempt petition,

5. Accordingly, the instant contempt petition is ***dismissed***.

6. Notices, if any, are discharged.

[Rajesh Singh Chauhan,J.]

Order Date :- 30.10.2023

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