

Court No. - 20

Case :- WRIT - A No. - 8144 of 2023

Petitioner :- Bhashkar Prasad Pandey

Respondent :- State Of U.P. Thru. Chief Secy. , Lalbahadur Shastri Bhawan Lko. And 3 Others

Counsel for Petitioner :- Ravi Shankar Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur,J.

1. Heard learned counsel for petitioner and learned State Counsel for opposite parties.

2. Petition has been filed challenging order dated 30.09.2023 whereby petitioner has been transferred from District Shravasti to District Kanpur.

3. It has been submitted that petitioner prior to the impugned order has been working in District Shravasti which has been declared as one of the aspirational districts and therefore petitioner would be covered by paragraph 4 (iv) of the Government Order dated 07.06.2023 whereby after remaining posted in such an aspirational district, he was required to be transferred and posted in accordance with his options. He has also drawn attention to paragraph 5 of the Government Order to submit that petitioner even otherwise cannot be relieved to join at the transfer place until and unless his vacancy is filled up.

3. Learned counsel has submitted that in pursuance of the aforesaid provisions, options were sought by means of letter dated 16.06.2023 whereafter petitioner has given his options for 13 places with one of the options pertaining to Bhognipur Range, Kanpur Dehat but petitioner has been posted in Research Centre in District Kanpur, which is not in accordance with his options.

4. Learned State Counsel on the basis of written instructions, which are taken on record however submits that once petitioner had already given an option for Kanpur, impugned order has been passed in accordance with his option.

5. Upon consideration of submissions advanced by learned counsel for parties and perusal of material on record, it is evident that while petitioner had given an option for posting in Bhognipur Range, Kanpur Dehat, it appears that he has not

been posted in accordance with his options as required under paragraph 4 of the Government Order dated 07.06.2023.

6. Considering the aforesaid facts, a liberty is granted to petitioner to file a fresh representation before the opposite party no. 4 i.e. Principal Chief Conservator of Forest, Uttar Pradesh, Forest Department within the period of three days from today. In case such a representation is filed, the same shall be considered and decided within a period of ten days thereafter. Till decision on petition of representation, it is directed that petitioner shall not be relieved, if not already done, in pursuance of impugned order dated 30.09.2023 and shall not be compelled to join at the transfer place.

6. With the aforesaid directions, the petition stands **disposed of**.

Order Date :- 18.10.2023

Satish