

Court No. - 20

Case :- WRIT - A No. - 8289 of 2023

Petitioner :- Dr. Rajendra Tiwari

Respondent :- State Of U.P. Thru. Prin. Secy. Planning, Lucknow And 5 Others

Counsel for Petitioner :- Prabhat Kumar, Vimal Shukla

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 30.06.2023 transferring petitioner from Lucknow to District Shamli on the post of Additional Statistics Officer. Also under challenge is order dated 01.09.2023 whereby petitioner's representation against transfer has been rejected.
3. It has been submitted that earlier petitioner had filed WRIT - A No. - 6321 of 2023 against transfer order dated 30.06.2023 which was disposed of vide order dated 24.08.2023 directing opposite parties to decide petitioner's representation which has been rejected by means of impugned order dated 01.09.2023 only on ground that transfer is an incidence of service and petitioner can be transferred at any time.
4. It is submitted that petitioner had taken a specific plea that petitioner is entitled to benefit of paragraph 5 of Government Order dated 07.06.2023 regarding couple postings which has been ignored while passing the order impugned. It is submitted that once representation was filed by petitioner in pursuance of directions issued by this Court, opposite parties could have considered adjustment of petitioner in any nearby District instead of only at Lucknow, which has not been done. He submits that petitioner may be granted liberty to approach the authorities concerned for such adjustment in case it is feasible.

5. Considering aforesaid submission by learned counsel for petitioner, petitioner is granted liberty to file appropriate representation before authority concerned seeking adjustment in any nearby District in terms of couple postings as per paragraph-5 of Government Order dated 07.06.2023. In case such a representation is filed along with a copy of this order, the same shall be considered and decided within a period of three weeks from the date of its presentation.

6. With aforesaid observations and directions, the petition is finally **disposed of**.

Order Date :- 24.11.2023

kvg/-