

Court No. - 9

Case :- WRIT - A No. - 9211 of 2023

Petitioner :- Shashi Kumar Gupta

Respondent :- State Of U.P. Thru. Prin. Secy. Nagar Vikas Anubhag -3 Lko. And Another

Counsel for Petitioner :- Ghaus Beg

Counsel for Respondent :- C.S.C.

Hon'ble Rajan Roy,J.

Heard.

Petitioner has challenged his transfer order from Kanpur to Meerut on the ground that though the post is transferable as per Para 5 (vi) of the Transfer Policy of the State Government dated 07.06.2023 which is applicable in the case at hand, persons who are to retire within next two years are entitled to posting of their choice when they belong to Group 'A' or Group 'B' as the case may be. Without considering the claim of the petitioner in terms thereof he has been mechanically transferred to Meerut nor any administrative ground has been mentioned there. He further says that his wife is to undergo an operation at PGI.

Considering the facts of the case, the petition is ***disposed of*** with a direction to opposite party no. 1 - Principal Secretary, Nagar Vikas Anubhag - 3, Lucknow to verify as to whether clause 5 (vi) of the policy dated 07.06.2023 has been taken into consideration while passing the impugned transfer order or not. If he finds that it has not so been taken into consideration, then, he shall look into the matter and consider the claim of petitioner in light thereof and while doing so it shall also be considered that his wife is seriously ill, if it is so. The decision in this regard shall be taken within ten days of the receipt of certified copy of this order.

It is open for the petitioner to move appropriate representation along with supporting documents before the opposite party no. 1.

Till a period of ten days or till such decision is taken by the opposite party no. 1, no coercive action shall be taken against the petitioner.

[Rajan Roy, J.]

Order Date :- 4.12.2023

Santosh/-