

Court No. - 7

Case :- WRIT - A No. - 9249 of 2023

Petitioner :- Dr. Mahesh Chandra Dwivedi

Respondent :- State Of U.P. Thru. Addl. Chief Secy./Joint Secy. Medical Health Family Welfare Deptt. And 3 Others

Counsel for Petitioner :- Rama Kant Srivastava

Counsel for Respondent :- C.S.C.

Hon'ble Abdul Moin,J.

1. Heard learned counsel for petitioner and learned Standing Counsel for the State.
2. With the consent of learned counsel appearing for the contesting parties, the writ petition is finally being disposed of.
3. Under challenge is transfer order dated 24.11.2023, a copy of which is annexure no.1 to the petition so far as it pertains to the petitioner whereby the petitioner whose name is at Serial No. 34 has been transferred from district Kanpur Nagar to Varanasi.
4. Learned counsel for petitioner has raised various grounds to challenge the impugned transfer order, however the Court is of the view that the said grounds fall in the realm of the grounds to be considered by the respondents at the first instance.
5. Accordingly, without entering into the merits of the case, the present petition is disposed of leaving it open to the petitioner to submit a comprehensive representation against the impugned transfer order dated 24.11.2023 before the competent authority i.e. Additional Chief Secretary/Joint Secretary, Medical Health and Family Welfare Department, Civil Secretariat, U.P., Lucknow/respondent no. 1 within a period of one week from today.
6. In case a representation is made, respondent no. 1 shall proceed to decide the same in accordance with law considering the grounds taken by the petitioner in the representation, which would be decided within a period of three weeks from the date of receipt of the representation alongwith copy of this order.
7. Till disposal of representation no coercive action shall be taken by the respondents against the petitioner in pursuance of the impugned transfer order.
8. It is made clear that if the petitioner does not submit his representation within the time specified, then the benefit of this order shall not be available to him.

Order Date :- 2.12.2023/Mohit Singh