

Court No. - 8

Case :- WRIT - A No. - 9350 of 2023

Petitioner :- Anil Kumar Shukla

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Of Revenue Lko. And 4 Others

Counsel for Petitioner :- Rama Niwas Pathak, Pawan Kumar Tiwari

Counsel for Respondent :- C.S.C.

Hon'ble Pankaj Bhatia, J.

Heard learned counsel for the petitioner, learned Standing Counsel for the State respondent and perused the record.

The present writ petition has been filed by the petitioner challenging the transfer order of the petitioner from District Amethi to District Siddharthnagar vide order dated 30.11.2023 as well as order dated 01.12.2023, whereby the petitioner has been relieved in furtherance of the transfer order dated 30.11.2023.

The contention of the counsel for the petitioner is that the petitioner is due to retire on 29.02.2024, as such, his transfer at the fag end of his career is wholly arbitrary and also contrary to the Transfer Policy of the State Government dated 15.06.2022, whereby in terms of Clause 5(vii), the employees were due to retire should be posted to the district of their choice as far as possible. It is further argued that the petitioner is suffering ailment on account of severe injury suffered by the petitioner on his right leg due to an accident.

Considering the transfer policy, which prescribes for placement in a district of the choice at the fag end of the career and the fact that the petitioner is due to retire within two months, *prima facie*, transfer order appears to be harsh. The present writ petition is ***disposed of*** permitting the petitioner to file a representation seeking recall of his transfer within two weeks. The same shall be decided by the respondent no. 2 within a further

period of six weeks. For a period of three months, the operation and effect of the transfer order dated 30.11.2023 in so far as the petitioner is concerned shall remain stayed. The relieving order dated 01.12.2023 shall also remain stayed for the said period. It is further clarified that the petitioner would be permitted to serve at District Amethi and may be paid his dues to which he is entitled in accordance with law.

Order Date :- 7.12.2023

Arun