

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16300 of 2014

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Vishwanath Sharma S/O Late Daroga Singh, resident of Mohalla- Budha Colony, East of Mr. W.H. Khan (Ex- D.G.P.), P.S.- Budha Colony, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Old Secretariat, Patna.
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Secretary (Resources), Finance Department, Government of Bihar, Patna.
4. The Special Secretary, Finance Department, Government of Bihar, Patna.
5. The Joint Secretary (Establishment), Finance Department, Government of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar
Mr. Akshansh Ankit

For the Respondent/s : Mr. Vikash Kumar, AC to AG

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 09-01-2015

Heard the parties.

The petitioner, who is presently posted and working as Deputy Controller of Account in the district of Gaya under the Magadh Division, has filed the present writ petition under Article 226 of the Constitution of India seeking a direction to the respondents to consider his representation for transferring and posting him in his home district or at a place of his choice in the light of the policy decision of the State Government dated 03.06.2009 (Annexure-1) on the ground that he is at the flag-end of his service career and is going to superannuate from service on 31.05.2015.

In view of the nature of grievances/claims raised on behalf of the petitioner in the present proceeding, this Court is of the opinion that the interest of justice shall be sub-served if the

petitioner is granted liberty to file a fresh comprehensive representation with all supporting documents before the respondent no. 2 raising all the pleas, which have been raised in the present proceeding. It is ordered accordingly.

If such a comprehensive representation is filed on behalf of the petitioner within a period of one month from today with a certified copy of the present order, then the respondent no.2 either himself or any other competent authority of the respondent State shall be obliged to consider and decide the claims of the petitioner by a reasoned and speaking order at an early date preferably within a period of one month from the date of filing of such representation.

If on consideration of the materials the respondent no. 2 or any other competent authority of the respondent State comes to a conclusion that claims raised on behalf of the petitioner are admissible to him, then consequential order shall also be issued for grant of such admissible claims without any unnecessary further delay.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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