

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1285 of 2017

IN

Civil Writ Jurisdiction Case No. 8813 of 2017

=====

Mohammad Sarwar Afroz Balkhi, Son of late Syed Md. Moin Balkhi, Resident of
Mohalla-Asharaf Nagar, Sah Zubair Road, P.s.-Kotwali Munger, District-Munger.

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary Labour Resource Department, New Secretariat, Patna.
2. The Director, Health Services, Employees State Insurance Scheme, Labour Resource Department, New Secretariat, Patna.
3. The Deputy Director, Health Services, Employees State Insurance Scheme, Labour Resource Department, New Secretariat, Patna.
4. The Superintending, Employees State Insurance Scheme, Budhmarg (Jamal Road), Patna.
5. Santan Sharma, Permanent address not Known to the Petitioner, at Present Clerk of Employees State Insurance Scheme, Budhmarg 9jamal Rrod, Patna.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Bam Bahadur Jha

For the Respondent/s : Mr. AJAY KUMAR RASTOGI - AAG10

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 16-10-2017

Having heard learned counsel for the parties we are of the considered view that merely because of an administrative policy in transferring of the petitioner is violative in view of the law laid down by the Supreme Court in the case of **Union of India vs. S L Abbas [(1993) 4 SCC 357]**. That apart, the grievance canvassed before us by the learned counsel for the appellant is that just to accommodate the respondent no. 5 transfer has been made by posting him in place of



the petitioner.

The grievance raised by the petitioner in the writ petition to review of an administrative order is not permissible and we see no reason to interfere into the matter excepting for the liberty granted to the petitioner to file a representation along with a certified copy of this order before the competent authority who shall consider the same within a period of 30 days of the receipt of the representation.

With the aforesaid, the appeal stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

mrl./-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	17/10/2017
Transmission Date	N.A.

