

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15751 of 2016

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Satyendra Bahadur Singh, Son of Late Jagdish Prasad Singh, Resident of Village-Godna, P.S.- Revelganj, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Rural Works Department, Bihar, Patna.
2. The Secretary, Rural Works Department, Bihar, Patna.
3. The Chief Engineer-3, Rural Works Department, Patna (Visheshwaraiya Bhawan, Bailey Road, Patna).
4. The Additional Secretary, Establishment, Rural Works Department, Govt. of Bihar, Patna.
5. The Superintending Engineer, Rural Works, Circle, Chapra.
6. The Executive Engineer, Rural Works Department, Work Division, Chapra-1.
7. The Executive Engineer, Rural Works Department, Works Division, Farbisganj.
8. The Joint Secretary Rural Work Department, Govt. of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar Tiwari, Adv.
Mr. Sudish Kumar, Adv.

For the Respondent/s : Mr. Vijay Bharti, AC to SC-7

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 06-07-2017

Heard Mr. Mritunjay Kumar Tiwari, learned counsel appearing for the petitioner and Mr. Vijay Bharti, learned Assisting Counsel to Standing Counsel No.7 for the State.

The petitioner while questioning his transfer order bearing Memo No.7909 dated 30.6.2016 in so far as it transfers the petitioner whose name appears at serial no.90 of the order, from Work Division, Chapra-1 to Work Division, Forbeseganj and transfers the person at serial no.142 namely, Madhav Prasad Morang from Works Division, Forbeseganj to Work Division Chapra-1 on his place, also prays for



disposal of the representation so filed on his behalf which has been duly forwarded by the Executive Engineer, Rural Works Department, Work Division-I, Chapra on 8.7.2016 to the Additional Secretary, Rural Works Department, Government of Bihar, Patna vide Annexure-4 series at page 29 of the proceedings.

Mr. Tiwari, learned counsel appearing for the petitioner submits that the petitioner was transferred vide Annexure-1 and in his place the person at serial no.142 namely Madhav Prasad Morang was transferred from Forbeseganj to Chapra. He submits that vide Annexures 3 and 5 respectively the transfer order at Annexure-1 was modified and in so far as the person who had been posted at his place namely, Madhav Prasad Morang is concerned his transfer order was modified vide Annexure-5 whereby the said person was posted to Work Division, Araria with his name appearing at serial no.17 of the modification present at Annexure-5 bearing Memo No.10099 dated 19.8.2016. He submits that it is in view of the fact that there was no reliever and that the petitioner was being transferred within three years of his posting, that he filed his representation before the Executive Engineer, Rural Works Department, Works Division, Chapra-1 which was forwarded on 8.7.2016 to the Additional Secretary, Rural Works Department, Government of Bihar, Patna as manifest from running page 29 of the proceeding but has not been disposed of. The short submission made by Mr. Tiwari is that in absence of reliever, as nobody was transferred at his place, to hand over charge, the request of the petitioner requires disposal.



I have heard learned counsel for the parties and perused the records.

Clause 4 of the transfer order present at Annexure-1 provides for handing over and taking over of charge under the supervision of the controlling authority. Obviously the moment a person is transferred he is required to hand over the charge to the reliever but in the present case there is no reliever because in view of the transfer order bearing Memo No.10099 dated 19.8.2016 the reliever of the petitioner has been posted to Araria.

Having heard learned counsel for the parties and considering the peculiarity of the contest, I deem it proper to dispose of the writ petition with a direction to the Additional Secretary, Rural Works Department, Government of Bihar, Patna to consider the request of the petitioner for stay of his transfer order as forwarded to him vide Annexure 4 series by the Executive Engineer and dispose of the same in accordance with law, within a maximum period of six weeks from the date of receipt/production of a copy of this order.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.07.2017
Transmission Date	NA

