

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18140 of 2016

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1. Vikash Kumar, son of Late Ramu Singh, resident of Near Sinha College, Mahavir Nagar, P.S.- Aurangabad Town, District- Aurangabad.
 2. Ranjit Kumar, son of Late Bahu Ram Singh, resident of Village- Jagdishpur, P.S.- Amba, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary-cum- Commissioner, Water Resources Department, Government of Bihar, New Secretariat, Patna.
3. The Chief Engineer, Sinchai Srijan, Water Resources Department, Aurangabad.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Respondent/s : Mr. Kunal Tiwari, AC to GA-2

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 30-01-2017

Heard learned counsel for the petitioners and the State.

The petitioners are aggrieved by their order of transfer from Noth Koyal Canal Division, Amba to Sone Canal Division, Khagaul.

It is contended that there is no scope of transfer of class IV employees from one place to another place. A class IV employee, once appointed, has to retire on the said post itself and no manner he can be transferred to other place.

Learned counsel for the petitioners submits that they have already joined at the place of transfer.

Learned counsel for the State has pointed out certain



statements made in the counter affidavit which indicates that complaints were also made against the petitioners as the petitioner no.1 regularly absented from duty and had collected the revenue on his own wish. Thus, the Executive Engineer had requested for cancellation of his deputation. Similarly, against the petitioner no.2 also, the Executive Engineer, North Koyal Canal Division, Amba had made a complaint that he is purposely damaging the 'Bandh' of the canal with the connivance of the local people and is disturbing the smooth working of the office. However, it is also stated at the same time in paragraph 7 that the Chief Engineer (Irrigation), Water Resources Department, Aurangabad had requested for posting of some employees including the Peons as many posts of Peons are lying vacant in the office of Sone Canal Division, Khagaul. In paragraph 8, it is stated that in North Koyal Canal Division, Aurangabad, there are 40 sanctioned strength of Peon out of which 37 Peons are working, whereas, at Sone Canal Division, Khagaul, there are 32 sanctioned posts of Peon but only 7 persons are working.

The petitioners have refuted that allegation by saying that out of 32 posts of Peon, 17 persons are working at Khagaul.

Be that as it may, it appears from the impugned order of transfer that transfer order is of about 14 persons and not only of two persons and in view of the stand taken in the counter affidavit, this



Court is satisfied that the transfer has been made under certain administrative exigency and, as such, the same does not warrant any interference by this Court.

Accordingly, this writ application is dismissed.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
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