

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4198 of 2017

=====

Sita Ram Son of late Baldeo Ram Resident of Village Haripur, P.S. Rosera,
District Samastipur.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary Human Resources Department Bihar, Patna.
2. The District Magistrate, Samastipur.
3. The Additional District Magistrate Samastipur (Establishment).
4. The Sub-Divisional Officer, Samastipur.
5. The District Transfery Officer, Samastipur.
6. The Block Development Officer, Khanpur.

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Manoj Kumar,
Mr. Sada Nand Roy, Advocates
For the Respondents : Mrs. Shilpa Singh, GA12
Ms. Abhanjalli, AC to GA 12

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 10-10-2017

Heard learned counsel for the petitioner as well as
learned counsel for the respondents.

2. The present writ petition has been filed for a direction
to the respondents to stay the transfer of the petitioner and quash the
order dated 30.06.2016 issued by the District Magistrate, Samastipur
(respondent no. 2) and also for payment of salary to the petitioner
which is said to be in arrears from July 2016.

3. Learned counsel for the petitioner submits that



despite working as Clerk in Samastipur Collectorate in proper manner, the petitioner has been transferred to Circle Office of Warisnagar within a period of only one year and four months. It is submitted that the petitioner has been transferred illegally and with a view to discriminate against him. In any event, it is further submitted that despite joining his post at Warisnagar pursuant to the order dated 30.06.2016, he has not been paid salary since July 2016.

4. It is well settled that transfer of an employee is an incident of service and the authority is always at liberty to transfer the employee in the interest of administrative exigency.

5. The petitioner has not been able to show any specific illegality or arbitrariness in his transfer. He has merely pleaded inconvenience which is, however, not a ground for interference.

6. As regards the petitioner's claim for arrears of salary, he claims to have filed a representation dated 22.11.2016 (Annexure-4) before the District Magistrate, Samastipur.

7. This Court is of the view that ends of justice will be met if the District Magistrate, Samastipur is directed to consider and dispose of the petitioner's representation dated 22.11.2016, if still pending, and after grant of opportunity of hearing to the petitioner in accordance with law expeditiously and preferably within a period of two months from the date of receipt/production of a copy of this judgment.



8. The writ petition accordingly stands disposed of.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	11.10.2017
Transmission Date	N.A.

