

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14725 of 2017

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Madan Kishore, aged about 59 years, Son of Late Jainu Lal Srivastava, resident of Flat No. 103, Block B, Sai Vatika Phul Kunwar Apartment, R.K. Puram, Danapur, Police Station- Danapur, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Under Secretary (Management), Water Resources Department, Sinchai Bhawan, Bailey Road, Patna.
2. The Executive Engineer, Triveni Canal Division, Raxaul, Water Resources Department, East Champaran.
3. The Sub-Divisional Officer, Sub Division- Maniyari, Water Resources Department, Police Station- Sikarpur, District- West Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rupak Kumar, Adv.

For the Respondent/s : Mr. D.K. Verma, AC to SC-11

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 16-11-2017

Heard the parties.

The order of transfer bearing Memo No.3033 dated 10.8.2017 is put to question and the grievance raised is that the petitioner is to superannuate on 31.8.2018 and thus he should have been either allowed to continue at the place where he was posted before transfer or transferred according to his choice.

It is not in dispute that no such option was exercised by the petitioner before the authorities prior to the issuance of order of transfer rather it is after the transfer that a representation has been filed before the Under Secretary, Water Resources Department, Bihar, Patna.

Paragraph 3 of the circular of the Cabinet Secretariat and



Coordination Department dated 25.10.1980 inter alia provides that as far as possible a serving employee in his last year of service be transferred and posted at his choice place of posting and that the controlling department may consider the request with compassion. It is relying upon this clause that Mr. Rupak Kumar, learned counsel appearing for the petitioner prays for a direction to the Under Secretary to dispose of the representation of the petitioner filed on 18.9.2017 at Annexure 2 to the writ petition.

Having heard learned counsel for the parties, I deem it proper to dispose of this writ petition with a direction to the Under Secretary, Water Resources Department, Bihar, Patna to consider and dispose of the representation of the petitioner at Annexure 2 to the writ petition in accordance with law expeditiously and preferably within six weeks from the date of receipt/production of a copy of this judgment bearing in mind the stipulations present in the advisory of the State Government relied upon by the petitioner.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.11.2017
Transmission Date	NA

