

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.986 of 2017
IN
Civil Writ Jurisdiction Case No. 3928 of 2017**

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Anil Kumar Singh, Son of Late Tej Narayan Singh, Resident of Village-Benaut,
P.O. Saraon, P.S. Rasulpur, District Saran at Chapra, Presently Working Estimator,
Central Circle, Road Construction Department, Patna.

.... Appellant

Versus

1. The State of Bihar
2. The Principal Secretary, Road Construction Department, Govt. of Bihar,
Bishweshwaraiya Bhawan, Bailey Road, Patna.
3. The Engineer-in-Chief-cum-Additional Secretary-cum-Special Secretary, Road
Construction Department, Govt. of Bihar, Patna.
4. The Superintending Engineer, Central Road Circle, Road Construction
Department, Govt. of Bihar, Patna.

.... Respondents

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Appearance :

For the Appellant : Mr. Uday Bhan Singh, Advocate
For the State : Mr. Rajballabh Prasad Yadav-AAG-11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 11-01-2018

Having heard learned counsel for the parties, we are of
the considered view that in this case the grievance of the petitioner
pertains to violation of certain Rules in the matter of transfer of the
petitioner and various other grounds which are personal in nature



preventing the petitioner from carrying out the orders of transfer. The writ petition was disposed of without calling for a return and it is reported that the petitioner has already joined in the Headquarters on the transferred post way back in March, 2017.

That being so, interest of justice would be met in case respondent no.2, the Principal Secretary of the Department, is directed to examine the grievance of the petitioner, consider it in accordance with the statutory Rule and the administrative requirement and take a decision in accordance with law.

Accordingly, for the present, without entering into the controversy on merit, it is directed that on the petitioner filing a certified copy of the present order along with a detailed representation ventilating his grievance before respondent no.2, respondent no.2 shall pass a speaking order with regard to the grievance of the petitioner within a period of six weeks of filing of the representation. In case it is found that the order is contrary to the Rules and the grievance of the petitioner is genuine, the Principal Secretary is expected to pass an appropriate corrective order in the matter of transfer of the petitioner, else it would be incumbent upon the Principal Secretary to pass a speaking order.

If still aggrieved, the petitioner shall have liberty to assail the order in accordance with law. Till then status quo with



regard to the working of the petitioner shall be maintained.

With the aforesaid, the application is disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

AFR/NAFR	NAFR
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