

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16523 of 2018

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Sri Krishna Saw son of Late Pakhan Saw Peon Anusewak in the office of Parichari Inspector Weight and meammment Department, Patna City, Patna Present Address Krishna Saw son of Late Pokhan Saw resident of Village- Sritabad Near Pathan Gali Chouraha P.S. Gardanibagh, Patna- 800001

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary General Administration Department, Bihar, Patna.
3. The Joint Agriculture Director cum Controller, Weight and Measement Department, Bihar, Patna.
4. Chief Agriculture Director, Bihar, Patna.
5. The Parichari Inspector Weight and Measurement Department Patna City Sadar, Patna.
6. The Parichari Inspector Weight and Measurement Department Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Niranjan Parihar, Advocate
For the Respondent/s : Mr.Dhurjati Kumar Prasad -Gp14

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 07-05-2019

The petitioner, who is a Peon in the Agriculture Department, has been transferred from Patna City to Muzaffarpur in the last year of the tenure of his service.



2. The order of transfer which is dated 29th of June, 2018 is under challenge in the present petition.

3. The petitioner does not dispute the powers of the authority to transfer him on administrative grounds. However, it has been submitted that at the time when the transfer order was passed, the petitioner had represented before the concerned authority and had intimated about the deteriorating/ill health of his wife, who has to be kept under constant medical care and that according to the Circular of the Finance Department, the choice of the petitioner ought to have been taken in matters of transfer since only one year was left for his retirement.

4. The aforesaid two grounds have not weighed favourably with the concerned respondent.

5. In fact, it has been stated that the petitioner not being intimated about any decision on his representation by him, like an obedient employee, joined the transferred place of posting and is working for



several months there.

6. However, the grounds which have been raised in the present petition need to be addressed to by the concerned authority.

7. Under the aforesaid circumstances, this Court directs the petitioner to make a fresh representation within a period of four weeks before the Joint Agriculture Director-cum-Controller, Weight and Measurement Department, Bihar, Patna (respondent No. 3), detailing his grievances and making a request for a revisit to the order of transfer. The concerned respondent shall, on receipt of such representation, consider the case of the petitioner in correct prospective, taking into account the illness of his wife and only one year remaining for him to superannuate and pass orders in accordance with law. If at all, a re-look is required to be given to the order of transfer, necessary rectification/sequel order shall be passed within a period of six weeks of the production/receipt of a copy of such representation.



8. With the aforesaid observation/direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08/05/2019

