

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5962 of 2019

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Kashi Ram, Son of Late Ganga Ram Resident of Village and Post- Sadokhar,
P.S. Chenari, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Government of Bihar, District- Rohtas.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Food and Consumer Protection Department Old Secretariat, Government of Bihar, Patna.
4. The Additional Secretary, Food and Consumer Protection Department Old Secretariat, Government of Bihar, Patna.
5. The District Magistrate Munger.
6. The Sub Divisional Officer (Sadar) Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha
For the Respondent/s : Mr. S. Raza Ahmad (AAG-5)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 17-04-2019

Heard the learned counsel for the petitioner and the

State.

2. The petitioner has approached this Court against

the order of transfer dated 29.06.2018, whereby along with

others the petitioner has been transferred from Dharhara,

Munger to Saur Bazar, Saharsa.

3. It has been submitted on behalf of the petitioner

that he hails from the district of Rohtas and since he is to



superannuate in the month of June this year, he was, in the first place, not required to be transferred and, if at all, such transfer was required on administrative grounds, he ought to have been transferred to his home district and not to any other inconvenient place.

4. The aforesaid submission has been made by the petitioner on the strength of a Circular of the Cabinet Secretariat and Coordination Department indicating that in the last year of service of an employee, as far as practicable, he be posted/transferred to his home district.

5. The other ground of challenge is that even after the general/routine order of transfer was passed on 29.06.2018, the services of the petitioner was being taken in the SDO's Office, Munger and till the time any alternative arrangement was made, the petitioner was by letter dated 19.11.2018 named/nominated to look after the work of Assistant District Supply Officer, Munger.

6. The aforesaid letter dated 19.11.2018, referred to above, indicates that though the petitioner was transferred, but there was no insistence upon him to join the place of posting



as he had been entrusted with the extra work in the office of the SDO, Munger. Now, after having taken work from him, and when he is to superannuate in a few months, the petitioner is being asked to join at his new place of posting.

7. A representation, therefore, has been filed seeking a direction to the respondents not to insist upon the petitioner to join at the new place of posting in the district of Saharsa and he be retained at the place where he has been working and if at all he is required to be transferred, he ought to be transferred to Rohtas at Sasaram from where he hails.

8. The petitioner under the aforesaid circumstances, especially, in view of his superannuation in the month of June, 2019, is directed to make a fresh representation before the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Government of Bihar, Patna (Respondent No. 3) within a period of one week along with a copy of this order, who, on receipt of such representation, shall dispose it off by a reasoned order within a further period of a fortnight. It is expected that the representation of the



petitioner shall be considered in correct perspective and taking into account that he is to superannuate shortly.

9. While saying so, this Court has also noticed that in case of another employee, who too stood transferred along with the petitioner, the order was recalled.

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

Before parting, it is made clear that till the time the representation of the petitioner is disposed off, the petitioner shall not be insisted upon for joining his new place of posting, i.e., at Saur Bazar, Saharsa.

(Ashutosh Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	19.04.2019
Transmission Date	

