

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14679 of 2019

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Sanat Kumar Das, S/o Late Bhola Nath Das R/o, Village- Khagara, P.S.-
Kisanganj, Dist.- Kisanganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Road Construction Department, Government of Bihar, Vishawashraiya Bhawan, Bailey Road, Patna.
3. The Engineer in Chief Road Construction Department, Government of Bihar, Vishawashraiya Bhawan, Bailey Road, Patna.
4. The Deputy Secretary Road Construction Department, Government of Bihar, Vishawashraiya Bhawan, Bailey Road, Patna.
5. The Superintending Engineer Road Construction Department, Road Circle, Purnea, Bihar.
6. The Executive Engineer Road Construction Department, Road Division, Purnia, Bihar.
7. The Executive Engineer Road Construction Department, Road Division, Madhepura, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sudha Chandra
For the Respondent/s : Mr. Sushil Kumar (GP-22)
Mr. Uday Prasad, AC to GP-22

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 24-07-2019



Heard the learned counsel for the petitioner and the State.

The petitioner has challenged the order dated 30.01.2019 contained in Memo No. 910 (E), whereby the petitioner along with others has been transferred to different place from his place of posting and so far as the petitioner is concerned, he has been transferred from Road Construction Department, Road Division, Purnea to the Road Construction Department, Road Division, Madhepura.

The challenge is primarily on the ground that petitioner is to superannuate in the month of January, 2020 and thus less than a year is left for him to superannuate.

Learned counsel for the petitioner has submitted that *vide* a Circular of the Cabinet Secretariat and Coordination Department, Government of Bihar, Patna issued in the year 2007, it has been resolved that as far as practicable, an employee shall be given a choice posting, preferably his home district, in the last year of his service, if he has to be transferred. The aforesaid resolution of the government has been extended to the Department of Road Construction also.



It has been submitted on behalf of the petitioner that while transferring the petitioner from Purnea to Madhepura, this aspect was never adverted to by the concerned respondent. A representation by the petitioner to that effect, seeking recall of the order of transfer and allowing the petitioner to continue at the same place of posting has not been decided till date.

Under the aforesaid circumstances, especially taking into account the date of superannuation of the petitioner, this Court directs that in case a fresh representation is filed by the petitioner before the Engineer-in-Chief, Road Construction Department, Government of Bihar, Patna (Respondent No. 3) within a period of one week, the same shall be disposed off, within a further period of two weeks thereafter by a reasoned order. In case the claim of the petitioner is found to be tenable and it would appear to be practicable to allow the petitioner to remain at the same place of posting considering short span of service tenure left, the concerned respondent shall consider the same in proper perspective. The aforesaid order by the concerned respondent shall be passed within a period of two



weeks of the receipt of such representation. Till the disposal of the representation of the petitioner, the petitioner shall not be insisted upon for joining at the transferred place of posting.

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

(Ashutosh Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	26.07.2019
Transmission Date	

