

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2206 of 2023

Manoj Kumar Son of Sri Ram Lakhan Thakur, Resident of Quarter No. F2/3,
D.V.C. Colony, Jakkanpur, P.S. Gardanibagh, District- Patna.

... .. Petitioner/s

Versus

1. The Chairman Cum Managing Director Bihar State Holding Company Ltd.,
Vidyut Bhawan, Bailey Road, Patna.
2. The General Manager (Administration), Bihar State Power Holding
Company Ltd., Vidyut Bhawan, Bailey Road, Patna.
3. The Deputy General Manager (Personnel), Bihar State Power Holding
Company Ltd., Vidyut Bhawan, Bailey Road, Patna.
4. The Deputy General Manager cum Electrical Superintending Engineer,
Central Electrical Supply Area, Patna.
5. The Deputy Secretary, North Bihar Power Distribution Company Ltd.,
Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ashish Kumar, Advocate

For the Respondent/s : Mr. Kunal Tiwary, Assistant Standing Counsel

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-04-2023 Heard learned counsel for the petitioner and learned
counsel for the Bihar State Power Holding Company Ltd. and
its authorities.

Petitioner in the present case is seeking a writ in the
nature of a writ of mandamus directing the respondents to
transfer and post him at Patna.

Learned counsel for the petitioner submits that the
petitioner is a class-IV employee of the Bihar State Power
Holding Company Ltd. He had joined the erstwhile Bihar State
Electricity Board on 28.10.2003. He has a disabled daughter



having locomotive disability and deformity and she is completely dependent upon the petitioner.

Learned counsel for the petitioner relies upon an office memorandum dated 8th October, 2018 (Annexure- '10') wherein certain exemptions have been granted to the government employees from the routine exercise of transfer/rotational transfer. It is submitted that in terms of the Government of India's office memorandum dated 8th October, 2018, the petitioner be considered for his transfer to Patna.

On the other hand, Mr. Kunal Tiwary, learned counsel for the Power Company has submitted that this is a frivolous writ application. It is the own statement of the petitioner that he has been transferred from Mahua to Chapra. This shows that the petitioner was not posted at Patna but during his posting at Patna earlier in the year 2007 he was given a residential accommodation which he never vacated after his transfer from Patna to Mahua. It is only when the respondents issued letter no.332 dated 02.03.2022 to the petitioner to vacate the said quarter which he is illegally occupying, the petitioner submitted a representation as contained in Annexure- '8' to the writ application.

It is submitted that the daughter of the petitioner is



having the disability, as is being claimed by the petitioner right from beginning and that is no ground at this stage if he has been transferred from Mahua to Chapra. It is stated that so far as office memorandum of the Government of India (Annexure- '10) is concerned, the same would not apply in the case of the petitioner.

Having regard to the materials available on the record and the submissions noted hereinabove, this Court finds force in the submission of learned counsel for the Power Company. The tone and tenor of the statements made in the writ application amply proved that this writ application has been filed more by way of an attempt to retain the quarter which the petitioner is occupying since the year 2007. The fact remains that he had been earlier transferred at Mahua with which he had no complained. At this stage, this Court finds no reason to interfere with the order of transfer from Mahua to Chapra.

This writ application has no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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