

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9803 of 2023

Shambhu Sharan Singh S/o Late Vindeshwari Prasad Singh, R/o Alka Colony,
Sandalpur Road, Kumhrar, P.S.-Bahadurpur, P.O.-Mahendru, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary, Building Construction Department, Government of Bihar, Patna.
2. The Secretary, Building Construction Department, Government of Bihar, Patna.
3. The Joint Secretary, Building Construction Department, Government of Bihar, Patna.
4. The Superintending Engineer, South Bihar Circle Building Construction Department, Government of Bihar, Patna.
5. The Deputy Secretary, Building Construction Department, Government of Bihar, Patna.
6. The Engineer-in-Chief, Building Construction Department, Government of Bihar, Patna.
7. The Executive Engineer, Rent Division, Building Construction Department, Government of Bihar, Patna.
8. The Executive Engineer, Central Division, Building Construction Department, Government of Bihar, Patna.
9. Md. Aftab Alam, son of not known to the petitioner, presently posted as Assistant Engineer, Secretarial Sub Division, Central Division, Building Construction Department, Government of Bihar, Patna earlier posted as Assistant Engineer, Legislative Sub Division, Central Division, Building Construction Department, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Teg Bahadur Singh, Sr. Advocate Mr. Abhishek Kumar, Advocate
For the State	:	Mr. Uday Prasad, AC to GP- 22
For the Respondent No. 9	:	Mr. Sourav Suman, Advocate Ms. Prernakant, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 31-07-2023 Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. By the impugned transfer order dated 30-06-2023



(Annexure- P/1) the petitioner has been transferred from one Office to another, within the Department in the same location. Learned senior counsel for the petitioner submits that such transfer order at a belated stage of the petitioner's service career is not only contrary to the established guidelines, which mandates choice posting in the last year of service; but also likely to effect the finalization of his retiral dues.

3. This Court finds that the order of transfer is dated 30-06-2023. When the matter is being considered in the Court, we are at the end of July, 2023, petitioner's date of retirement is 31-10-2023, he has hardly about three (3) months of service left. The Court, therefore, is of the opinion that rather than directing for another posting, it is best to give the issue a quietus, since the transfer is actually in the same location, though from one office to another within the Department. Had he been transferred outside the district, the issue may have been different.

4. Insofar as petitioner's apprehension that finalization of post retiral dues on account of such belated transfer may be effected adversely, this Court finds that there is no material to make out a tangible threat or apprehension for such an eventuality, and it is expected that in view of such



transfer order, the finalization of the petitioner’s post retiral dues, in accordance with law, shall not be effected.

5. Accordingly, the writ application is disposed of.

(Madhuresh Prasad, J)

Raj kishore/-

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