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**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
BEFORE**

HON'BLE SHRI JUSTICE MILIND RAMESH PHADKE

ON THE 25th OF JANUARY, 2024

WRIT PETITION No. 1635 of 2024

BETWEEN:-

**HUKUM SINGH RAWAT S/O SHRI SHIV CHARAN
RAWAT, AGED-40 YEARS, OCCUPATION: GRAM
ROZGAR SAHAYAK R/O GRAM PANCHAYAT HULLPUR
JANPAD PANCHAYAT VIJAYPUR DISTRICT SHEOPUR
MP (MADHYA PRADESH)**

.....PETITIONER

(BY SHRI NITIN AGARWAL- ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH PRINCIPAL
SECRETARY VALLABH BHAWAN BHOPAL
(MADHYA PRADESH)**
- 2. COLLECTOR SHOEPUR, DISRICT SHEOPUR
(MADHYA PRADESH)**
- 3. CHIEF EXECUTIVE OFFICER, JILA PANCHAYAT,
DIST. SHEOPUR (MADHYA PRADESH)**
- 4. CHIEF EXECUTIVE OFFICER JANPAD PANCHAYAT
VIJAYPUR DIST. SHEOPUR (MADHYA PRADESH)**
- 5. MEGHANATH RAWAT S/O SHRI SHRINIWAS
RAWAT OCCUPATION: GRAM ROZGAR SAHAYAK
R/O VILLAGE ANDHPURA POST DAURDA, TEHSIL
VIJAYPUR GRAM PANCHAYAT UPCA, DIST.
SHEOPUR (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI P.S. RAGHUWANSHI- GOVERNMENT ADVOCATE)

*This petition coming on for admission this day, the court passed the
following:*

ORDER

The present petition under Article 226 of the Constitution of India has been filed by the petitioner being aggrieved by the transfer order dated 15.01.2024 passed by respondent no.3, whereby the petitioner was directed to work as Gram Rojgar Sahayak at Gram Panchayat Benipura, Janpad Panchayat Vijaypur from present place of posting i.e. Gram Rojgar Sahayak, for Gram Panchayat- Hullpur, Janpad Panchayat- Vijaypur, District Sheopur.

Learned counsel for the petitioner has submitted that the transfer order has been passed ignoring the fact that, post of Gram Rojgar Sahayak held by the petitioner is a non-transferable post and appointment of petitioner was made specifically for a particular village, more so earlier vide order dated 27.01.2023 whereby the services of the petitioner, who is working as Gram Rojgar Sahayak in Gram Panchayat Hullpur has been directed to be attached to Janpad Panchayat Vijaypur on administrative grounds was challenged by the petitioner by filing a W.P. No.3116/2023, wherein this Hon'ble Court was pleased enough in passing an interim order dated 09.02.2023, whereby the effect and operation of the said impugned attachment cum transfer order dated 27.01.2023 was stayed and is pending for adjudication before this Hon'ble Court till today and only to bypass the order dated 09.02.2023 present impugned order dated 15.01.2024 was passed by the respondent no.3 in an arbitrary manner.

On the basis of aforesaid, a limited prayer has been made by the counsel for the petitioner that if the directions are issued to the respondent/authority to consider his fresh representation, his grievance would be redressed and till then the petitioner may not be relieved.

Per contra, learned Government Advocate opposing the petition submits that transfer of the petitioner is on administrative exigency. He further submits that if the petitioner files a fresh detailed representation then the same will be

considered and decided in accordance with law within a time bound period.

Looking to the limited prayer made by the counsel for the petitioner, the petition is disposed of with a direction to the petitioner to file a fresh representation along with all relevant documents before the respondent/authority and in turn the respondent/authority is directed to decide the representation of the petitioner, in accordance with law within a period of **four weeks** from the date of receipt of certified copy of this order.

Till then, the petitioner shall not be relieved, if not yet relieved.

With the aforesaid, the petition stands **disposed of**.

E-copy/Certified copy as per rules and directions.

Chandni

(MILIND RAMESH PHADKE)
JUDGE

