

W.P. No. 8165/2015

26.6.2015

Shri Rahul Diwakar, learned counsel for the petitioner.

Heard on admission.

Petitioner, In-charge Assistant Commissioner, Tribal Welfare, takes exception to the order dated 30.5.2015; whereby he has been transferred from Tribal Development Anooppur to Tribal Development Burhanpur.

The said transfer, as is evident from the order, is in administrative exigency. It is urged that having been transferred to Anooppur vide order dated 28.8.2012 from district Singrauli, the petitioner has again been transferred from Anooppur to Burhanpur. It is urged that being an elected District Secretary of M.P. Rajpatrit Adhikari Sangh, an association recognized by the State of Madhya Pradesh, the petitioner is exempted from being transferred from one place to another. However, no exemption letter issued by the State Government has been commended at as would substantiate the claim of the petitioner that he is an employee/officer who has been exempted from transfer.

It is further contended that having not completed his three years at Anooppur respondents are not justified in transferring the petitioner at a distant place, Burhanpur. Evidently the petitioner was transferred to Anooppur vide order dated 28.8.2012 and in 2015 he has completed three years of stay at Anooppur. A period short of two months will not render a transfer, in administrative exigency, a nullity.

It is further contended that the petitioner's wife having been elected Sarpanch, Gram Panchayat Khanwahi, Janpad Panchayat Gohaparu, district Shahdol, the transfer of the petitioner to a far of place to Burhanpur would disrupt the family life of the petitioner. To say the least the petitioner being a government servant cannot on the anvil of

the wife having been elected as Sarpanch call in question a transfer in administrative exigency. It is rather commendable on the part of the State authority to have transferred the petitioner from Anooppur to Burhanpur.

Considered thus, since no case is made out for interference with the transfer of the petitioner which is an incidence of service, no indulgence is caused.

Petition fails and is dismissed. However, no costs.

(SANJAY YADAV)
JUDGE

Vivek Tripathi