

(1993) 07 AHC CK 0009

Allahabad High Court

Case No: Civil Miscellaneous Writ Petition No. 27154 of 1993

Vijay Kumar Saxena

APPELLANT

Vs

Dy. Director of Education, III
Region and OthersRESPONDENT

Date of Decision: July 20, 1993**Citation:** (1993) 3 AWC 1736**Hon'ble Judges:** R.A. Sharma, J**Bench:** Single Bench**Advocate:** Raj Kumar Jain, for the Appellant;**Final Decision:** Dismissed

Judgement

R.A. Sharma, J.

Petitioner, who claims to be Senior clerk in the office of District Inspector of Schools, Badaun, has filed this writ petition challenging the order of his transfer, from Badaun to Pilibhit, on the same post and in the same pay scale.

2. Learned Counsel for the petitioner has made three submissions in support of the writ petition, viz. (i) The petitioner is the Secretary of U.P. Educational Ministerial Officers Association and in view of the Government policy decision an office-bearer of an Association is not liable to be transferred; (ii) the order of transfer has been passed on the ground of malafide and (iii) the impugned order does not contain any reason as to why the petitioner has been transferred. It is not possible to agree with the learned Counsel.

3. Even if it is presumed that the petitioner is office-bearer of some association and there is Government policy decision laying down that no office-bearer of an Association should be transferred, this Court cannot interfere in view of a decision of Supreme Court in the case of [Mrs. Shilpi Bose and others Vs. State of Bihar and others](#), where in it was held that if the transfer order has been passed in violation of Government policy decision and Guidelines the High Court should not interfere

with such an order and person aggrieved can make representation before the authority concerned. This Court also in the case of Govind Pratap Singh v. Managing Director, U.P. State Road Transport Corporation, Lucknow and Ors. Writ Petition No. 2771 of 1992, decided on 13-7-1992), following the above decision of Supreme Court, has laid down, that this Court cannot interfere with the order of transfer merely on the ground that the petitioner is office-bearer of some Association Union and the only remedy before the employee aggrieved is to make representation before appropriate authority. The first submission of the learned Counsel for the petitioner-has got to be rejected with the observation that the petitioner should make representation before the authority concerned.

4. As regards the second submission it may. be mentioned that" the impugned order does not state that the petitioner has been transferred on account of his complaint against some officer. That apart, making of complaint by the petitioner against some official of the Department" shows that there is no smooth working in the office in which the petitioner is working. In the circumstances, one of the persons, complainant (petitioner) or the person against whom the complaint has been made, has to be removed from that place, by way of transfer, in order to defuse the situation for effective working of the office.

5. The third submission is also devoid of merit. No rules and Regulations have been placed before me, whereby transfer orders should contain reasons. Transfer orders are passed on administrative grounds and no reasons are required to be given therein.

6. In View of above, the writ petition is dismissed with the observation that in case petitioner files representation, alongwith certified copy of this order before the Director of Education within a month from today, the same shall be decided by him as far as possible within one month from the date of presentation of certified copy of this order. The order which maybe passed shall be communicated to the petitioner within a week thereafter.