

(2008) 12 AHC CK 0088

Allahabad High Court

Case No: None

Kamlesh Pradhan

APPELLANT

Vs

State of U.P.& Others

RESPONDENT

Date of Decision: Dec. 16, 2008

Hon'ble Judges: D.P.Singh, J

Final Decision: Disposed Of

Judgement

D.P.Singh, J.

Heard learned counsel for the petitioner and the learned Standing counsel.

The petitioner, who was working for the last 16 years in District Ballia as Junior Engineer in the Irrigation Department, was transferred on 31.7.2007 from district Ballia to district Varanasi. However, considering that he was an office bearer of the U.P. Diploma Engineers Association, his transfer was stayed vide an order dated 31.8.2007 uptill 31.5.2008, whereafter he challenged the aforesaid order through Writ Petition no.31424 of 2008 and a learned Single Judge of this Court vide order dated 7.7.2008 disposed off the writ petition with a direction to decide the representation of the petitioner.

The representation was rejected vide order dated 7.8.2008. Not satisfied, he again filed Writ Petition No. 42501 of 2008 claiming that his grievance with respect to illness of his wife and he being an office bearer had not been considered. A learned Single Judge of this Court disposed off the writ petition on 20.8.2008 directing the official to again decide the representation of the petitioner.

Now by the impugned order, his representation has again been rejected with a finding that though normally an official can only stay for 6 years in the district, but he had remained in Ballia for more than 16 years and there were certain complaints also against him and further that in Varanasi, the medical facilities are much better than at Ballia. It has also been found that the petitioner no longer holds any post in the aforesaid Association.

This repeated attempt of the petitioner in thwarting the transfer order is nothing but misuse of the due process of law. He holds a transferable post, but in the guise of filing repeated petitions, he has avoided his transfer till date. It is also admitted that there is no order operating in his favour staying the transfer order. Such an attitude of a Government servant should not only be condemned, but he should be made an example to deter others from misusing the process of law.

In view of the aforesaid, this petition is dismissed with Rs.10,000/ (Ten thousand only) as costs payable to the Registrar General (Account), High Court, Allahabad Mediation and Conciliation Centre within a period of one month from today, failing which the Collector, Varanasi/Ballia shall recover it from the salary of the petitioner and deposit it with the aforesaid authority. The respondent officials shall also initiate disciplinary proceedings if the petitioner does not join within a week from today at his transferred place.

Let a copy of this order be given to the learned Chief Standing Counsel within 48 hours to be communicated to the Chief Engineer and the two Collectors.