

Adalati Dubey Vs State of U.P.Through Principal Secy.And Another

Court: Allahabad High Court (Lucknow Bench)

Date of Decision: June 9, 2009

Hon'ble Judges: Bala Krishna Narayana, J

Final Decision: Allowed

Judgement

Heard learned counsel for the petitioner and the learned Standing Counsel for the opposite parties, who prays for and is allowed six weeks time

for filing counter affidavit.

Rejoinder affidavit may be filed within two weeks thereafter.

List this case after expiry of the aforesaid period.

The submission of the learned counsel for the petitioner is that by the impugned order dated 04.07.2008 the petitioner has been transferred from

district Sultanpur to district Lucknow and the opposite parties by an order dated 31.05.2009 are proceeding ahead to enforce the transfer order.

There appears to be no justification to enforce the orders after lapse of more than 11 months. The transfer orders are passed to meet out the

exigencies of service in pursuance of the decision taken at a particular time. There is no reason to enforce the transfer orders after lapse of more

than 11 months.

Accordingly, the impugned transfer orders dated 31.05.2009 and 04.07.2008, as contained in Annexures1 and 2 to the writ petition, shall remain

stayed with liberty to the opposite parties to pass afresh order to meet out exigencies of service, if necessary.