

**(2006) 03 JH CK 0011**

**Jharkhand High Court**

**Case No:** Writ Petition (S) No. 334 of 2006

Kaushal Kumar

APPELLANT

Vs

The Union of India (UOI) and  
Others

RESPONDENT

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**Date of Decision:** March 7, 2006

**Citation:** (2006) 2 JCR 341

**Hon'ble Judges:** S.J. Mukhopadhaya, J

**Bench:** Single Bench

**Advocate:** Ajit Kumar, J.C. to G.P. III, Nehala Sharmin, for the Appellant; J.P. Gupta, A.S.G.,  
for the Respondent

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### **Judgement**

S.J. Mukhopadhaya, J.

The petitioner has preferred the present writ petition for a direction on the respondents to consider his case for mutual transfer, in terms with the order, contained in Letter No. 14/279/2002-SR(S) dated 15<sup>th</sup> September, 2004.

2. It is stated that the petitioner has been allocated the State of Bihar and on the other hand, one Sri Shambhu Singh has been allocated the State of Jharkhand. As said Sri Shambhu Singh wanted to remain in Bihar and the petitioner wanted to his allocation in the State of Bihar, in terms of the aforesaid guideline dated 15<sup>th</sup> September, 2004, applications for mutual transfer were preferred, but no order was passed thereon.

3. During pendency of the application, preferred by the petitioner, Sri Shambhu Singh retired. Thereafter, the petitioner filed another application for mutual transfer vis-à-vis Sri Anandi Prasad. The case was taken up on 31<sup>st</sup> January, 2006 when the following order was passed:

Heard in part.

Counsel for the Union of India, State of Jharkhand and State of Bihar are allowed two weeks" time to obtain instructions and state as to which is the authority competent to pass appropriate order on the applications for mutual posting in terms with Central Government decision contained in Letter No. 14/279/2002-SR(S) dated 15<sup>th</sup> September, 2004. They will also inform as to whether, such employees will continue till final decision is taken by the competent authority in terms with the aforesaid letter dated 15<sup>th</sup> September, 2004.

Place this case for further hearing under the heading "For Orders" on 2nd March, 2006.

Until further orders, the respondents will not release petitioner from the State where he is working at present.

Let a copy of this order be handed over to the learned Counsel for the parties.

4. Counsel for the Central Government submitted that the decision is required to be taken by the concerned State Government i.e. the State of Bihar in the present case.

5. Counsel appearing on behalf of the State of Bihar submits that after retirement of said Sri Shambhu Singh, the petitioner having filed another representation for mutual transfer with one Sri Anandi Prasad, the matter is to be verified.

6. In the facts and circumstances, the case is remitted with a direction to the State of Bihar and its authorities to consider and decide the representation of the petitioner, as preferred recently for his mutual transfer vis-à-vis one Sri Anandi Prasad, taking into consideration the Central Government's decision, contained in Letter No. 14/279/2002-SR(S) dated 15<sup>th</sup> September, 2004, within six weeks" from the date of receipt/production of a copy of this order.

7. The petitioner will produce a copy of this order along with a copy of representation before the Secretary, Road Construction Department, Government of Bihar, who will take up the matter with the State Government.

8. In the meantime, the petitioner may be allowed to continue at the place, where he is working.

9. The writ petition stands, disposed of with the aforesaid observations and directions.