

(2009) 07 JH CK 0052**Jharkhand High Court****Case No:** None

Goverdhan Ram

APPELLANT

Vs

The State of Jharkhand and
Others

RESPONDENT

Date of Decision: July 23, 2009**Hon'ble Judges:** Narendra Nath Tiwari, J**Bench:** Single Bench**Judgement**

Narendra Nath Tiwari, J.

In this writ petition the petitioner has prayed for quashing the notification No. 486 dated 24.2.2009, contained in Annexure-10 to this writ petition, which was issued along with other notification, whereby services of the petitioner have been returned to the parent Department i.e. Road Construction Department.

2. The grievance of the petitioner is that the impugned order has been passed on the basis of the complaint made by some Congress leader and at the instance of the Deputy Commissioner, Bokaro on the basis of some allegation against him and as such the transfer order is malicious and by way of punishment.

3. It has been stated that the impugned order is preceded by the letter of the Deputy Commissioner seeking action against the petitioner as also a complaint of one Promod Kumar Singh, leader of Bermo Block Congress Committee.

4. Mr. A.K. Sahani, learned Counsel appearing on behalf of the petitioner submitted that though apparently the order appears to be innocuous and plain order of returning the services of the petitioner to the parent department, the same is penal in nature as the same has been passed on the basis of the allegation made against the petitioner by the Deputy Commissioner as well as the leader of the Block Congress Committee, Bermo without informing the said allegation and giving him any opportunity of defending or filing representation.

5. Learned J.C. to S.C. Miner appearing on behalf of the respondents submitted that the petitioner created trouble in the department and had not obeyed the orders of local administration i.e. B.D.O. and S.D.O. and his behaviour was unbecoming and as such complaint was made, which led to his transfer.

6. In view of the said submissions it appears that there was something in the background of the transfer of the petitioner. There is allegation and counter allegation. The petitioner has stated that his working was interfered with by local B.D.O. and S.D.O. and the Deputy Commissioner has maliciously made allegations against the petitioner.

7. In view of the said factual dispute between the petitioner and some of the respondent, the writ jurisdiction is not an appropriate forum for adjudication. The petitioner is at liberty to bring this fact to the concerned authority and raise his grievance before the appropriate forum, so that the matter may be properly investigated to come on the finding as to whether the authority, who has passed the order, has also acted with malice. Admittedly, the order has not been passed by B.D.O. and S.D.O. and it is apparent from the order that the same has been passed on the basis of the allegation made by the B.D.O./S.D.O. On going through the order it is clear that the order has been passed for the administrative reason. By the order, services of the petitioner have been returned to the parent department.

8. I, therefore, find no ground for interfering with the impugned Reorder. If the petitioner has any ground of malice, he is at liberty to bring all those facts to the concerned authority, who has passed the impugned order. Or to any appropriate forum.

9. With the above observations, this writ petition is disposed of.