
(2002) 12 PAT CK 0097

Patna High Court

Case No: L.P.A. No. 1311 of 2002

Dr. Shashi Kumar Gupta

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision: Dec. 20, 2002

Citation: (2003) 3 PLJR 167

Hon'ble Judges: Ravi S. Dhavan, C.J; R.N. Prasad, J

Bench: Division Bench

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

1. The Petitioner-Appellant is a State doctor. He filed a writ petition resisting his transfer. This is CWJC No. 7481 of 2002. The learned judge by his order dated 24 July 2002 declined to interfere.

2. The Petitioner-Appellant acknowledges that the order of transfer is a general transfer order issued on 29 June 2002 (Annexure-2). The order of transfer which has been indicated to the Petitioner-Appellant is neither mala fide nor spiteful. The fact that the Petitioner-Appellant may not have received his salary as of date, it is more than 10 months since the order of transfer was passed, is a situation of his own making. Learned judge has committed no error in not granting any reliefs to the Petitioner-Appellant.

3. This Court has hesitation in recording that if the Petitioner-Appellant does not join his duties at the place where he is being transferred, this may be taken as a circumstance on record as subversive to discipline in service. Further a comment needs to be recorded that the Petitioner-Appellant deliberately filed this letters patent appeal belatedly as if to portray a circumstance that a matter may be subjudice on a belated appeal.

4. Dismissed.