

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 5156 of 2010

Ashok Kumar

... ..Petitioner

-Versus-

State of Jharkhand & Ors.

... .. Respondents

CORAM: THE HON'BLE MR. JUSTICE DR. S.N.PATHAK

(Through: Video Conferencing)

For the Petitioner	:	Mr. Manoj Tandon, Advocate.
For the Respondent- State of Bihar	:	Mr. S.P. Roy, Advocate
For the respondent-State of Jharkhand	:	Mr. Suresh Kumar, SC-V Mr. Ashish Shekhar, AC to SC-V
For private respondent	:	Mr. Vikash, Advocate

13/ 10.07.2020

In view of outbreak of COVID-19 pandemic, case has been taken up through Video Conferencing. Concerned lawyers have no objection with regard to the proceeding, which has been held through Video Conferencing today at 10:30 A.M. onwards. They have no complaint in respect to the audio and video clarity and quality.

Heard the parties at length.

Mr. Manoj Tandon, learned counsel for the petitioner urges that though the State of Bihar has already passed an order, rejecting the claim of the petitioner for mutual transfer, but the same has not been acted upon. He further submits that the petitioner is at the fag end of service and is going to superannuate in the year, 2021.

Mr. S.P. Roy, learned counsel for the respondent-State of Bihar vehemently opposes the contention of the learned counsel for the petitioner and argues that no order can be passed, de hors the Rules. If, the order is passed against the settled principle of law by the State of Bihar, such order itself is not tenable in the eyes of law.

Mr. Ashish Shekhar, learned counsel appearing on behalf of the respondent-State of Jharkhand takes the same view as taken by learned counsel for the respondent-State of Bihar.

The order of mutual transfer was stayed by this Court on 06.10.2010, neither the State of Jharkhand nor State of Bihar took any initiative for vacating the order of stay though the order on which both the States are harping, was passed on 10.12.2007.

This Court on 25.02.2019 passed an order for listing this case along with W.P.(S) No.1912 of 2010. But, learned counsel appearing on behalf of the private respondent-petitioner in that case submits that case has already been disposed of in the year, 2010 itself.

As the stand of the Satyendra Prasad Singh-petitioner in W.P.(S) No. 1912

of 2010 is also required in the instant case, therefore, office is directed to put the records of W.P.(S) No. 1912 of 2010 along with this case.

Put up this case on 21.08.2020 under the same heading.

(Dr. S.N. Pathak, J.)

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