

of learned tribunal by filing rejoinder and by serving the copy of the same to the learned counsel for the concerned respondents but no time was sought for filing any response to the same and even the same has not been taken into consideration by the learned Tribunal, therefore the present writ petition.

4. Learned ASGI is present and waives notice and has sought for six weeks' time to seek instruction and file counter-affidavit.

5. Time as sought for is allowed.

6. List this matter on 27th January, 2025.

Ad-interim:

7. The learned counsel for the petitioner has submitted that separate prayer has been made in the writ petition for keeping in abeyance of order of transfer so far as the present petitioner is concerned.

8. It has been contended that the order of transfer of the present petitioner was also kept in abeyance by the learned Tribunal but the same stands vacated, the day when the order was passed by the learned Tribunal.

9. The contentions has been made that the petitioner is to retire within two years from today and she is living with her spouse who is working in the New India Assurance Company. The submission has been made that the incumbent who had been posted at the place of present appellant, namely, Km. Asha Mathur who have been transferred from Jaipur to Ranchi, her transfer was also cancelled vide office order No.15/2023 in public interest but what is the said public interest, is not being referred therein.

10. Further, she has made a representation for keeping the said order in abeyance, no consideration has been given. The aforesaid aspect of the matter that is of pick and choose by bringing the modification by virtue of office order No.15 of 2023

so far as the incumbent who is to be posted in place of present petitioner, namely, Km. Asha Mathur has been diluted and her transfer order has been cancelled.

11. Likewise, the order of transfer of one order of transfer in the different categories i.e, in the category of Instructor (Stenography) two of the transferees, namely, Smt. R.K. Shashibina Devi and Smt. Nirmali Bardalai whose order of transfer has also been cancelled one in the public interest and another without any reason, respectively.

12. Similarly, the order of transfer of a public servant holding a post of Lower Division Clerk, namely Shri M. Robindro Singh whose transfer has also been cancelled in public interest.

13. The contention has been made that although the incumbents irrespective of any category either the Instructor or LDC or UDC have subsequently been chosen not to be disturbed by cancelling their transfer order by virtue of office order no. 15/2023 dated 28.03.2023.

14. The learned counsel based upon the aforesaid ground coupled with the fact that the appellant is still continuing at the present posting at Ranchi and protection was there by the learned Tribunal not to disturb from the present place of posting of the writ petitioner and as such since the notice is being issued on consideration of the decision of the appointing/transferring authority in cancelling the order of transfer as such it will be in the ends of justice to keep the order of the transfer of the present petitioner in abeyance.

15. This Court has heard the learned counsel for the petitioner and on consideration of the aforesaid submission is of the view that the learned Tribunal has dismissed the original application by referring the reason that the order of transfer since is at the administrative exigencies which is not to be interfered with

subject to some conditions if available.

16. However, the learned Tribunal has not appreciated the subsequent decision taken by the authority concerned by virtue of issuance of office order no. 15/ 2023 dated 28.03.2023, whereby and whereunder the order of transfer of transferee either holding the post of Instructor (stenography) or UDC or LDC have been cancelled, some in the public interest or some of without any reason.

17. There is no dispute that the Courts should not interfere with the order of transfer but it is equally settled that while transferring one or the other employee from one place to another and if the decision has been taken then uniformity is to be maintained and it is not permissible for the appointing authority to once issue the order of transfer or subsequent thereto to cancel the same without any cogent reason of others.

18. This Court since is issuing notice upon the authority to adjudicate this issue and considering the fact that the appellant is said to be continuing in the post and further the incumbents who have been transferred, whose order of transfer has been cancelled which would be evident from office order no. 15/2023 dated 28.03.2023, as such, is of the view that petitioner is able to make a *prima facie* case for passing an *ad-interim* order, accordingly, the order of transfer so far as the present petitioner is concerned, is to be kept in abeyance till the next date of hearing.

(Sujit Narayan Prasad, J.)

(Navneet Kumar, J.)