



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR**

D.B. Spl. Appl. Writ No. 366/2025

Dr. Khushpal Singh Rathore son of Shri Sajjan Singh Rathore, aged about 40 years, resident of Bai Ka Gara, Metwala, Banswara (Rajasthan), presently posted as Chief Medical and Health Officer (CM And HO), Banswara (Rajasthan).

----Appellant

Versus

1. State of Rajasthan, through the Secretary, Medical and Health Department, Government of Rajasthan, Secretariat, Jaipur (Rajasthan).
2. The Joint Secretary, Medical And Health (Group-II) Department and Panchayati Raj (Medical) Department, Secretariat, Government of Rajasthan, Jaipur (Rajasthan).
3. Shri Heera Lal Tabiyar son of Shri Nanuram, resident of Behind Aakashwani, Tripura Colony, Thikariya, Banswara (Rajasthan)

----Respondents

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|-------------------|---|--------------------------------------------------------------------|
| For Appellant(s)  | : | Ms. Twinkle Purohit, Advocate for<br>Mr. Sanjeet Purohit, Advocate |
| For Respondent(s) | : | Mr. Harish Jangid, Advocate<br>Ms. Anita Rajpurohit, Advocate      |

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**HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR  
HON'BLE MR. JUSTICE SANDEEP SHAH**

**Order**

**15/07/2025**

The order dated 21<sup>st</sup> January 2025 was challenged by the respondent no.3 before the Rajasthan Civil Services Appellate Tribunal at Jodhpur.

2. On a glance at the order dated 21<sup>st</sup> January 2025, we find that one of the reasons for passing this order by which the order of transfer dated 15<sup>th</sup> January 2025 has been stayed by the



Tribunal was that the respondent no.3 would superannuate from service with effect from 7<sup>th</sup> January 2026.

3. In our opinion, if that is the sole ground for staying the order of transfer dated 15<sup>th</sup> January 2025, the order passed by the Tribunal on 21st January 2025 cannot be sustained in law for the reason that the respondent no.3 has been transferred to a place which is about 2 kilometers away from the office of Chief Medical and Health Officer (C.M.H.O.), Banswara. Just to indicate, a Government employee does not have any vested right over a particular place or to a particular post.

4. In that view of the matter, we are inclined to interfere with the order dated 21st January 2025 and, accordingly, the said order is set aside. The order passed in S.B. Civil Writ Petition No.2885 of 2025 dated 4<sup>th</sup> February 2025 is also set aside.

5. However, on a request made by the learned counsel for the respondent no.3, we deem it appropriate to direct the learned Tribunal to hear the Appeal No.38 of 2025 filed by the respondent no.3 in the week commencing from 21<sup>st</sup> July 2025. The learned counsel for the appellant has given an undertaking that no adjournment shall be sought by the appellant except for unavoidable reason.

6. D.B. Special Appeal Writ No. 366 of 2025 stands allowed.

**(SANDEEP SHAH),J**

**(SHREE CHANDRASHEKHAR),J**