

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 3773/2025

Sitaram Gurjar Son Of Shri Ramnarain, Aged About 43 Years,
Resident Of Vpo Kaseer, Tehsil Deoli, District Tonk.

-----Petitioner

Versus

1. State Of Rajasthan, Through Its Principal Secretary,
Agriculture Department, Government Secretariat, Jaipur,
Rajasthan.
2. Commissioner, Agriculture Department, Jaipur Rajasthan.
3. Assistant Director, Agriculture Extension, Kekri.
4. Asharam Jat, Agriculture Supervisor Now Posted In Place
Of Appellant In Ho Gopalpura, Assistant Director,
Agriculture (Extension) Kekri.

-----Respondents

For Petitioner(s)	:	Mr. S.S. Ola, Adv. With Mr. Mukesh Bijarnia, Adv.
For Respondent(s)	:	

HON'BLE MR. JUSTICE SAMEER JAIN

Judgment

18/03/2025

Learned counsel for the petitioner has submitted that the petitioner is an ex-serviceman and his father who is aged approx. 73 years, is suffering from cancer and is undergoing treatment. It is further submitted that a discriminatory approach has been adopted by the learned Tribunal as vide Annexure-2 and under akin facts, an interim order is passed and the transfer order qua one of the petitioners therein has been stayed. However, the said protection despite being under identical factual narrative is not granted qua the petitioner herein.

In light of the above, it is prayed that hardships faced by the petitioner be considered and the impugned order passed by the learned RAT be quashed and set aside.

Considering the foregoing facts and circumstances of the present matter and upon a perusal of the order passed by the learned RAT, it is revealed that the learned RAT has considered the administrative exigencies qua the department and stated that the impugned transfer order is not passed qua an individual or the petitioner herein specifically, but qua a number of employees. It is also analyzed that the order (Annexure-6) which is relied upon by learned counsel for the petitioner is an interim order, whereas the present is a final order.

Nevertheless, the petitioner himself belongs to the ex-serviceman category and considering the same he is granted posting. Moreover, it is a settled principle of law that transfers are incidence of service and the place of posting can not be solely on the convenience of the employee; the sole discretion qua appointment and transfer of an employee, is with the employer; this Court would have intervened in the matter in hand, if there were *per se malafides* however, it is noted that herein, the learned RAT has passed a detailed order, considering the vital aspects of the matter in hand. Therefore, this Court deems it apposite to place reliance upon the ratio encapsulated in **Shilpi Bose & Ors. Vs. State of Bihar & ors.** reported in **1991 Supp (2) SCC 659**, and accordingly the present petition is dismissed.

Pending applications, if any, stand disposed.

(SAMEER JAIN),J