



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 20554/2023

Rakhi Pandey W/o Shri Sajal Pandey

-----Petitioner

Versus

Director General And C.E.O.

-----Respondent

For Petitioner(s) : Ms. Kavita Bhati
For Respondent(s) : Mr. Devesh Yadav for
Mr. R.D. Rastogi, Sr. Adv., ASG
Mr. Chandra Shekhar Sinha

HON'BLE MR. JUSTICE SAMEER JAIN
Order

22/02/2024

1. By way of present petition, a challenge is made to the impugned transfer order dated 14.12.2023, whereby the petitioner has been transferred from Jaipur to Chennai.
2. Learned counsel for the petitioner submits that the petitioner is solely responsible for the well being of her dependent husband, who is said to be suffering from epilepsy prone to unprovoked seizures and her minor child aged about 7 years, who is currently enrolled in school at Jaipur and the academic year is towards the end. It is submitted that there exists a vacant post in Jaipur itself, yet for some reason, the respondents are bent upon uprooting the life of the petitioner and her family, despite there being no administrative exigency. It is further submitted that the petitioner had also filed a representation expressing her inability to accept the transfer at this stage due to the aforesaid compelling circumstances. However, the same was rejected malafidely,

without assigning any reason, which as per learned counsel for the petitioner, reveals clear arbitrariness on part of the respondents.

3. Learned counsel Mr. Devesh Yadav, on behalf of learned ASG for Union of India, submits that the respondent is an autonomous body and therefore the office of ASG cannot represent the respondent, unless they are specifically authorized. It is submitted that a communication was also sent to the respondent by the office of ASG, but no instructions have been received thus far.

4. Heard and considered.

5. It is noted that the respondent is an extended wing of the Union of India. Therefore, this Court directs the office of ASG to accept notices on behalf of the respondent and take appropriate instructions.

6. The matter be listed on 25.04.2024 for final disposal.

7. Till that date, the operation of the impugned transfer order dated 14.12.2023, in these peculiar and compelling facts of the case, shall remain stayed.

(SAMEER JAIN),J