

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).21756/2012

(From the judgement and order dated 05/07/2012 in CMWP No.31968/2012 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

ARVIND KUMAR UTTAM

Petitioner(s)

VERSUS

STATE OF U.P. &amp; ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T. and prayer for interim relief and office report)

Date: 25/07/2012 This Petition was called on for mentioning today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s)

Mr. Ankur Mittal, Adv.

Mr. Amit Gaurav Singh, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following  
O R D E R

Taken on Board.

This petition is directed against interlocutory order dated 5.7.2012 passed by the Division Bench of the Allahabad High Court, whereby the transfer of respondent no.5 from Kanpur to Fatehpur was stayed and a direction was issued that he shall be permitted to join at Kanpur.

Shri Ankur Mittal, learned counsel for the petitioner argued that the order under challenge amounts to virtual disposal of the writ petition filed by respondent no.5 against his transfer and this could not have been done by the High Court without hearing the petitioner, who had already joined at Kanpur.

In our opinion, there is no merit in the submission of the learned counsel. It is not in dispute that respondent no.4, who is a member of the Legislative Assembly and is related to the petitioner, had written a letter dated 23.4.2012 to the Chief Minister for transfer of the petitioner from Jalaun to Kanpur. The High Court has taken note of these facts and felt, prima facie, convinced that the transfer of respondent no.5 was not a bonafide exercise of administrative power. Therefore, the impugned order cannot be faulted.

With the above observation, the special leave petition is dismissed.

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