

**RAJASTHAN CIVIL SERVICES APPELLATE TRIBUNAL,
CIRCUIT BENCH JODHPUR**

Appeal Number	Name of the Appellant	Name of the Respondents	Date of presentation
254/2023	धनश्याम खण्डेलवाल	राजस्थान राज्य जरिये, प्रमुख शासन सचिव, चिकित्सा एवं स्वास्थ्य विभाग, जयपुर एवं अन्य	24.07.2023

Date of order: 23-07-2024

Present:

On behalf of Appellant: Absent

On behalf Respondents: Shri Shailendra Singh Rathore, Govt. Adv.

Before: Lekhraj Tosawara, Member

Aslam Mehar, Member

Order

1. This Tribunal granted ad interim stay against operation of the impugned order Order dated 18-07-2023 (Annexure-2) qua the Appellant. While admitting the appeal on 24-07-2023 an interim order was passed and the Appellant was continued to be at the place where he/she was posted prior to passing of the impugned order.
2. Hon'ble Rajasthan High Court has passed following order in S.B.Civil Writ Petition No. 2140/2007 titled Brijendra Singh Meena V/s State of Rajasthan:

"Instant Writ petition has been filed by the petitioner assailing the order dated 02.02.2007 pursuant to which he was transferred.

While issuing notices, operation of the order impugned (supra) was stayed by the Court as evident from the order sheet dated 02.04.2007 pursuant thereto the petitioner must have been allowed to continue at the place where he was posted prior to passing of the order impugned.

On account of change in circumstances, if at all there was any justification to transfer the petitioner in the interest of administration, by passage of time, may not exist any further and this court considers it appropriate to observe that the order impugned (supra) may not be given effect to any further but it will not preclude the respondents from passing fresh order transferring the petitioner in the interest of administration, if required.

With these directions/observations, the writ petition stands disposed of."

3. In the wake of the above ruling, the justification to issue the impugned order may not exist now in the instant appeal also due to flux of time. In the above circumstance, after having considered material available on record, this Tribunal considers it appropriate not to give effect to the impugned order qua the appellant any more and therefore ad interim stay granted on 24-07-2023 is hereby confirmed. Status quo in respect of Private Respondent shall also be maintained.
4. However, it is clarified that this order will not preclude the Respondents from transferring the Appellant/Private Respondent in public interest or on account of administrative exigencies by passing a fresh order.
5. With the above observations, the appeal stands disposed of.

(Aslam Mehar)
Member

(Lekhraj Tosarawa)
Member