



IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE MANINDER S. BHATTI

ON THE 18th OF AUGUST, 2025

WRIT PETITION No. 31253 of 2025

DR. PRADEEP KUMAR SINGH

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

*Shri Sanjay Agrawal - Senior Advocate with Shri Yash Soni -
Advocate for the petitioner.*

Ms. Surbhi Jain - Panel Lawyer for the respondent/State.
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ORDER

Learned senior counsel for the petitioner submits that the present petition arises in the second round of litigation. It is contended by the senior counsel that the petitioner questioning his transfer order dated 09.06.2025 contained in Annexure P/14 had filed a petition before this Court vide W.P.No.20867/2025. This Court was disposed of the said petition while directing the respondent No.1 therein to take decision on petitioner's representation and this Court also granted interim protection to the petitioner for a period of 30 days or till a decision on petitioner's representation.

2. It is contended by the senior counsel that no decision on the petitioner's representation has been taken as yet and the petitioner is due to retire in the month of October, 2025, therefore, he has to serve with the department only for a couple of months. It is also contended by the senior



counsel that the interim protection so granted by this Court be extended further.

3. Per contra, learned counsel for the respondent/State submits that the petitioner has to joint at the place of transfer as the period of interim protection is already over and therefore, the petition filed by the petitioner deserves to be dismissed.

4. Heard the rival submission advanced on behalf of the parties and perused the record.

5. On perusal of the record it reflects that undisputedly the petitioner is approaching the age of superannuation, as he is to be superannuated in the month of October, 2025. The factum of transfer in the cases where the employees were approaching the date of superannuation came up for consideration before the Indore Bench of this Court and the Indore Bench of this Court in W.P. No.15608 of 2021 (Virendra Singh vs. State of M.P. and others, decided on 10-05-2022) has held as under:-

"The petitioner has filed the present petition being aggrieved by the order dated 06.08.2021 by which he has been transferred from Bajna, District Ratlam to Alot, District Ratlam. The petitioner has assailed the transfer order on the ground that he is aged about 60 years at time of his transfer and is due to retire in a period of less than two years. It has further been submitted that the petitioner is suffering from multiple diseases and is under routine treatments and check ups. He had suffered from COVID 19 in the month of 2021 and underwent treatment at Jhabua. By



order dated 18.08.2021, this Court had stayed the order of transfer.

2. Learned counsel for the petitioner submits that under Clause 22 of the transfer policy dated 24.06.2021 of the State Government, the employees who are having less than one year for retirement should not ordinarily be transferred. It is submitted that the petitioner now has less than one year remaining for his retirement, therefore, he may be permitted to continue at his present place of posting and the transfer order be set aside in the interest of justice.

3. Ms. Vinita Phaye, learned counsel for the respondents opposes the prayer by submitting that interference by the High Court in Writ Petition under Article 226 is very limited as there is no mala fide behind the transfer of the petitioner and his service condition is not going to be effected due to the transfer hence petition is liable to be dismissed.

4. Undisputedly the petitioner is now aged about 61 years and is at the verge of retirement. At the time of passing the transfer order he was having less than two years' service left for retirement. This Court had granted the stay on 18.08.2021 and now he is having less than one year's service for retirement. By virtue of interim order he is still continuing at the present place of posting.

5. Rule 49 (1) of Madhya Pradesh Civil Services (Pension) Rules' 1976 provides that every Head of the Department/Head of Office shall have a list prepared every six months of all Gazetted



and Non- Gazetted Government servants who are due to retire under his order within the next 24 to 30 months of that date.

6. Rule 57 provides that every Head of Office shall undertake the work of preparing pension papers in two years before the date on which a Government servant is due to retire on superannuation. The aforesaid provision has been made in the pension Rules so that the employee may get the pension and other retiral dues immediately after retirement. If there is delay on part of State of M.P. to prepare the pension paper, then the State is liable to pay the interest.

7. Rule 59 provides that on reaching the stage i.e. 12 months before the date of retirement, the Head of office shall take up the actual work of preparation of pension papers and shall send to the audit officer, 12 months before the retirement. All these exercises are required to be completed within 1 or 2 year before the retirement of the government employee, therefore, if petitioner is transferred at the verge of retirement then there is possibility of delaying of her pension.

8. Admittedly the petitioner is having less than one year service left for retirement and his pension papers are liable to be prepared by the Head Office at Ratlam. The impugned order dated 06.08.2021 is accordingly set aside. The petition is allowed and disposed off."



6. If the order of transfer of the petitioner is subjected to perspicacious scrutiny in view of the decision of the Indore Bench of this Court in W.P. No.15608 of 2021 (Virendra Singh vs. State of M.P. and others, decided on 10-05-2022) it would reveal that the petitioner is being superannuated in the month of October, 2025 and therefore, he has to serve with the department only for a couple of months and in such circumstances, as there is failure on the part of the State Government to take decision on representation in terms of order passed by this Court, no fruitful purpose is going to be served, if the petitioner is compelled to join at the place of transfer.

7. In view of the decision of the Indore Bench of this Court in W.P. No.15608 of 2021 (Virendra Singh vs. State of M.P. and others, decided on 10-05-2022), this Court is of the considered view that the impugned order dated 09.06.2025 (Annexure P/14) and order dated 20.06.2025 (Annexure P/22) are unsustainable and deserve to be quashed. Accordingly, the impugned order dated 09.06.2025 (Annexure P/14) and order dated 20.06.2025 (Annexure P/22) stand quashed.

8. With the aforesaid, the present Writ Petition stands **allowed**.

(MANINDER S. BHATTI)
JUDGE