

GAHC010017632023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/470/2023

BIPUL CH RAY
S/O- SHRI HARENDRA NATH ROY,
PERMANENT RESIDENT OF VILL- NORTH HOGMABIL,
P.O.- HOGMABIL, SIDLI,
DIST.- KOKRAJHAR,
BODOLAND TERRITORIAL COUNCIL (BTC), ASSAM.
PRESENTLY RESIDING AT VILL- JYOTIGAON,
P.O. AND DIST.- BARPETA, ASSAM,
PIN- 781301.

VERSUS

THE BODOLAND TERRITORIAL COUNCIL (BTC), KOKRAJHAR AND 4 ORS
TO BE REPRESENTED BY THE SECRETARY,
BODOLAND TERRITORIAL COUNCIL (BTC),
KOKRAJHAR,
SOCIAL WELFARE DEPARTMENT, KOKRAJHAR,
BODOLAND TERRITORIAL COUNCIL (BTC),
ASSAM. PIN- 783370.

2:THE JOINT DIRECTOR AND CHIEF HEAD OF DEPARTMENT (CHD)
B.T.C.
KOKRAJHAR
ASSAM.
PIN- 783370.

3:THE PROGRAMME OFFICER
DIVISIONAL INTEGRATED CHILD DEVELOPMENT SCHEME (ICDS) CELL
KOKRAJHAR
B.T.C.
ASSAM. PIN- 783370.

4:THE CHILD DEVELOPMENT PROJECT OFFICER (CDPO)
JALAH I.C.D.S. PROJECT
MUSHALPUR
BAKSA

BTC
ASSAM. PIN- 781366.

5:THE CHILD DEVELOPMENT PROJECT OFFICER (CDPO)
KALAIGAON I.C.D.S. PROJECT
UDALGURI
B.T.C.
ASSAM

PIN- 784525

Advocate for the Petitioner : MR. R MAZUMDAR

Advocate for the Respondent : SC, BTC

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 01/02/2023

Heard Mr. R. Mazumdar, learned counsel for the writ petitioner.

The petitioner herein is presently working as UDA-cum-Accountant and posted in the Kalaigaon ICDS project in the district of Udalguri. The wife of the petitioner is also a Government servant and is presently posted as a Supervisor in the Jalah ICDS Project, Baksa. Due to family reasons and more particularly, the upbringing of their 9 (nine) years old son, the wife of the petitioner is compelled to reside at Barpeta and where from, she is attending her official duties at Jalah ICDS Project. Since the petitioner is posted at Kalaigaon ICDS Project, under Udalguri district, he is required to travel more than 300 KMs, each time he wished to stay with his family.

According to Mr. Mazumdar, the separation of the petitioner from his wife and the child is not only causing immense mental agony to his client but the travel distance is also causing hardship to him. Mr. Mazumdar submits that the post of UDA-cum-Accountant in Jalah ICDS Project has recently fallen vacant. Therefore, there is a scope for the authorities to transfer and post the petitioner in the Jalah ICDS Project as UDA-cum-Accountant. If the same is done, the petitioner would get an

opportunity to live with his family and look-after his son. As such, on 26/12/2022, the petitioner had submitted a representation before the respondent no. 2 by narrating the background of the case with a prayer to transfer him to Jalah ICDS Project. The grievance of the petitioner is that till today, his representation has not been considered by the authorities.

Mr. P. Nayak, learned Standing Counsel, BTC, appearing for the respondents submits that the representation dated 26/12/2022 submitted by the writ petitioner can be considered by the competent authorities if not already done, if some time is granted by this Court.

If that be so, there is no justifiable reason for this Court to keep the writ petition pending. I, therefore, dispose of the writ petition with a direction upon the respondents, more particularly the respondent no. 2, to consider the representation dated 26/12/2022 submitted by the petitioner sympathetically and unless there is any legal hurdle coming in the way of his transfer to ICDS Project Jalah, appropriate order may be passed in the matter, keeping in mind the facts and circumstances of the case.

The aforesaid exercise be carried out and completed within 3 (three) weeks from the date of receipt of a certified copy of this order.

Till such time, the vacant post of UDA-cum-Accountant at Jalah ICDS Project be kept vacant if the same has not already been filled up.

It will also be open for the authorities to consider whether the petitioner can be transferred to any other post nearby to Barpeta or Jalah ICDS project so as to enable him to stay with his family.

The writ petition stands disposed of.

JUDGE

sukhamay

Comparing Assistant