

GAHC010109342023



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

Case No. : WP(C)/2843/2023

SARALA KALITA
(CONSTABLE/KS(EXE)-MAH) D/O RASIKKALITA, PRESENTLY RESIDES AT
GROUP CENTRE, CENTRAL RESERVE POLICE FORCE CAMPUS, QUARTER
NO- 35, BLOCK -6, 9TH MILE, AMERIGOG, DIST- KAMRUP(M), ASSAM PIN-
781023

VERSUS

THE UNION OF INDIA AND 5 ORS
REPRESENTED BY THE SECRETARY, MINISTRY OF HOME AFFAIRS, NEW
DELHI- 110003

2:THE DIRECTOR GENERAL
CENTRAL RESERVE POLICE FORCE

CENTRAL GOVERNMENT OFFICE COMPLEX
NEW DELHI- 110001

3:THE DEPUTY INSPECTOR GENERAL

(ESTABLISHMENT) OFFICE OF THE DIRECTORATE GENERAL
CENTRAL RESERVE POLICE FORCE
CENTRAL GOVERNMENT OFFICE COMPLEX
NEW DELHI- 110001.

4:THE DEPUTY INSPECTOR GENERAL OF POLICE

CENTRAL RESERVE POLICE FORCE
GROUP CENTRE
GUWAHATI AMERIGOG
GUWAHATI
ASSAM PIN- 781023

5:THE COMMANDANT

GROUP CENTRE
GUWAHATI
CENTRAL RESERVE POLICE FORCE
AMERIGOG
GUWAHATI
ASSAM PIN- 781023

6:THE COMMANDANT 240 (M) BATTALION CENTRAL RESERVE POLICE
FORCE

C/O. OFFICE OF THE DIRECTORATE GENERAL
CENTRAL RESERVE POLICE FORCE
CENTRAL GOVERNMENT OFFICE COMPLEX
NEW DELHI- 11000

Advocate for the Petitioner : MR. R MAZUMDAR

Advocate for the Respondent : DY.S.G.I.

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 31-05-2023

Heard Mr. H. Bezbaruah, learned counsel for the writ petitioner. Also heard Mr. H. Gupta, learned CGC appearing for the respondents.

Assailing the transfer order dated 02-03-2023, by means of which, the writ petitioner was transferred from Guwahati to 240(M) Battalion at Bangalore, the instant writ petition has been filed. The case of the petitioner is that she is serving under the Central Reserve Police Force (CRPF) as a Constable/ Safai Karmachari. The petitioner is presently receiving medical treatment for Human Immunodeficiency Virus (HIV) at the

medical centre at Guwahati. The instant writ petition has been filed is to stall her transfer on the ground that there is no proper medical care facility at the Battalion Camp at Bangalore.

Taking note of the grievance expressed by the petitioner, the learned CGC was asked to obtain instruction. Accordingly, Mr. Gupta has obtained written instruction dated 30-05-2023 and placed the same before this Court. A perusal of the reflection made in Clause-C of the written instruction dated 30-05-2023 leaves no room for doubt that there is equally good if not better medical facility at the Composite Hospital at Bangalore.

It is also to be noted herein that the petitioner had joined the present place of posting at Guwahati in the month of December, 2018 and by now she has completed more than 04 years in the same station. As per the transfer policy guidelines of the CRPF a normal tenure in a static and peace station is for 03 years. Mr. Gupta submits that both Guwahati and Bangalore are peace stations.

If that be so, there is apparently no violation of the transfer policy in this case. Although, Mr. Bezbaruah has submitted that his client is entitled to atleast 08 years of posting at a peace/ static station, since there is no dispute about the fact that both Guwahati as well as Bangalore are peace/ static stations, even the said policy directive does not appear to have been violative in the present case.

In view of the above, this Court does not find any good ground to entertain this writ petition. However, taking note of the facts and circumstance of the case in its entirety, the petitioner be granted 01 month's time w.e.f. today to joint in the new place

of posting.

The copy of the written instruction dated 30-05-2023 be retained in the record of this case.

After joining at the Bangalore Battalion Camp, if the petitioner faces any difficulty in availing medical treatment, it will be open for her to submit appropriate representation before the authorities ventilating her grievance in the matter. In such an event, the authorities would consider the difficulties, if any, faced by the petitioner and take appropriate remedial action.

With the above observation, this writ petition stands disposed of.

JUDGE

GS

Comparing Assistant