

GAHC010115242023



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

Case No. : WP(C)/3074/2023

NO. 097353771 CONST./GD MONTU BORO
S/O LATE RAMESH BORO, R/O QAURTER NO. A/73, CISF UNIT, OPS,
NOONMATI, P.O.-UDAYANVIHAR, P.S.-SATGAON, GUWAHATI-781171

VERSUS

THE UNION OF INDIA AND 5 ORS.
REPRESENTED BY THE SECRETARY OF HOME AFFAIRS, NEW DELHI-
110001

2:THE DIRECTOR GENERAL
CENTRAL INDUSTRIAL SECURITY FORCE
(MINISTRY OF HOME AFFAIRS) BLOCK-13
CGO COMPLEX
LODHI ROAD
NEW DELHI-110003

3:THE INSPECTOR GENERAL
NEZ
HQRS.
GUWAHATI
ASSAM
PIN-781040

4:THE DEPUTY INSPECTOR GENERAL
NEZ
HQRS.
GUWAHATI
ASSAM
PIN-781040

5:THE ASSISTANT INSPECTOR GENERAL

NES
HQRS.
GUWAHATI
ASSAM
PIN-781040

6:THE ASST. COMMANDANT
CENTRAL INDUSTRIAL SECURITY FORCE UNIT
OPS NOONMAT

Advocate for the Petitioner : MR. D BORAH

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

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 30-05-2023

Heard Mr. D. Borah, learned counsel for the writ petitioner. Also heard Mr. U.K. Goswami, learned CGC appearing for the respondents.

The writ petitioner is serving as a CT/GD under the Central Industrial Security Force (CISF) and is presently posted in the OPS, Noonmati Unit. He had joined in the CISF Unit, Noonmati at Guwahati about 03 years 11 months back. By the impugned transfer order dated 03-05-2023, the writ petitioner has been transferred from Noonmati and posted at the CISF Unit at Duliajan. Assailing the said order of transfer, the writ petitioner has approached this Court on the twin grounds. Firstly, that his mother, who had suffered a brain stroke in the year 2021, is undergoing treatment in a specialized hospital at Guwahati and secondly, that his wife is 03 months pregnant and therefore, unable to travel with him. Under the circumstances, if the petitioner is required to move from

Noonmati to Duliajan, the same would not only adversely affect the treatment of his mother but would also pose undue threat to the health of his wife.

Mr. Goswami, learned CGC, submits that there is a well equipped hospital at Duliajan wherein the mother and the wife of the petitioner can receive medical treatment. Contending that the petitioner has completed more than 03 years 11 months in the present place of posting, Mr. Goswami submits that this is routine transfer carried out as per the transfer policy of the CISF. As such, there is no good ground for this Court for interfering in the matter.

After going through the materials available on record, this Court finds that the mother of the petitioner did suffer from brain stroke and is undergoing treatment at the Rahman Hospital Pvt. Ltd. at Guwahati. However, documents annexed to the writ petition are not sufficient to show that the mother of the petitioner cannot be properly treated in the OIL Hospital at Duliajan. Moreover, the fact that the petitioner's wife is pregnant is a normal affair in the family life of the employees and therefore, that also cannot be a ground for this Court to interfere with the transfer order.

Law is well settled that transfer is an incident of service and the jurisdiction of the writ court to interfere with a transfer order in exercise of power conferred under Article 226 of the Constitution of India is very limited. The petitioner has not pleaded malafide in the departmental action. Nothing has also been shown by the petitioner's counsel to establish that transfer order has been issued in violation of the policy guidelines or the same is against the terms and conditions of service of the petitioner. That apart, Mr. Goswami has also produced a copy of the notification dated 29-05-2023 issued by the

competent authority, which goes to show that the representation submitted by the petitioner has been duly considered and rejected.

Under the circumstances, I do not find any good ground to interfere with the order of transfer.

The writ petitioner is accordingly dismissed.

However, for ends of justice and taking note of the submission made by the petitioner's counsel, it is hereby provided that the petitioner shall be allowed time till 30-06-2023 to join in his new place of posting.

Writ petition stands closed.

JUDGE

GS

Comparing Assistant