

GAHC010115982023



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

Case No. : WP(C)/3077/2023

NO. 097344117 CONST/GD SANKAR LAL BORO
S/O LATE BILLOW BORO, R/O QUARTER NO. DAX/12. 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

31.05.2023

Heard Mr. D. Borah, learned counsel appearing for the petitioner. Also heard Mr. U. K. Goswami, learned Central Govt. Counsel representing the respondents. The petitioner is presently posted as CT/GD in the CISF Unit, OPS Noonmati, Guwahati. Assailing the transfer order No.06/2023 dated 03.05.2023 qua the writ petitioner transferring and posting him at the CISF Unit at ONGC, Nazira, the present writ petition has been filed. The twin grounds for challenge of the transfer order are as follows. The petitioner is suffering from lower back pain (lumber Disc Bulges) and is undergoing treatment at Guwahati. Moreover, the wife of the petitioner has given birth to a male child about four months back and hence, she is required to stay at Guwahati. Mr. Goswami submits that there is proper medical facilities available at the

ONGC campus at Nazira where the petitioner can avail treatment. Moreover, the ground that the petitioner's wife has given birth to a child cannot be accepted as a valid ground to interfere with the transfer order. Mr. Goswami has also produced a copy of the communication dated 29.05.2023 a perusal of which goes to show that the representation submitted by the petitioner has been rejected by the authorities.

After going through the materials available on record and upon taking note of the statements made in the writ petition, this Court is of the opinion that the two grounds urged by the petitioner viz., he is suffering from lower back pain and on the ground of being the father of a new born child, cannot be accepted as valid grounds so as to interfere with the transfer order.

Moreover, it appears that the petitioner was posted at Noonmati on 17.04.2019 and therefore, he has already completed more than four years in the same place of posting. As such, as per the policy guidelines of transfer of the CISF personnel, the petitioner is due for transfer. In view of the above, it cannot also be said that the impugned transfer order has been issued in violation of the policy guidelines or the condition of service of the petitioner.

Situated thus, I do not find any good ground to interfere with the transfer order of the petitioner. The writ petition is, therefore, held to be devoid of any merit and the same is accordingly dismissed.

However, having regard to the facts and circumstances of the case and in view of the request made by Mr. Borah, the petitioner be granted one month's time, with effect from today, to join in his new place of posting.

Copy of the written communication dated 29.05.2023 be retained in the record of this case.

Writ petition stands disposed of.

JUDGE

Comparing Assistant