

HIGH COURT OF TRIPURA
AGARTALA
WP(C) 754/2024

Sri Biswajit Deb Roy, son of Sri Dilip Deb Roy, resident of Shantipur, Uttar Dhanicherra, Pecharthal, P.S. Pecharthal, District- Unakoti, Tripura.

----Petitioner(s)

Versus

1. The State of Tripura, represented by the Chief Secretary, Government of Tripura, New Secretariat Building, New Capital Complex, Agartala, P.S. NCC, District-West Tripura.
2. The Revenue Secretary, Government of Tripura, New Secretariat Building, New Capital Complex, Agartala, P.S. NCC, District-West Tripura.
3. The District Magistrate & Collector, Unakoti District, Kailasahar, Tripura.
4. The Sub Divisional Magistrate, Kumarghat, Unakoti District, Tripura.

----Respondent(s)

For Petitioner(s)	:	Mr. AK Pal, Advocate
For Respondent(s)	:	Mr. K. De, Additional GA
Whether fit for reporting	:	Yes/No

HON'BLE MR. JUSTICE ARINDAM LODH
Order

17/12/2024

Heard Mr. AK Pal, learned counsel appearing for the petitioner. Also heard Mr. K. De, learned Additional GA appearing for the respondents.

By means of filing the instant writ petition, the petitioner has prayed for the following reliefs:

- “a) Admit the writ petition;
- b) Issue notice upon the respondents;
- c) Call for the relevant case records from the custody of the respondents;
- d) After hearing the parties Your Lordship would be kind enough to consider the writ petition of the petitioner and direct the respondents to modify/transfer order dated 05.07.2024 of the petitioner from SDM Office, Kailasahar to SDM Office, Kumarghat (in his earlier place of posting) as the petitioner 80% permanent disable person for fair ends of justice;
- e) To pass any other order/orders as deems fit and proper;”

In the instant writ petition, the petitioner has challenged the impugned order of transfer dated 05.07.2024 whereby and whereunder he had been transferred from S.D.M. Office, Kumarghat to S.D.M. Office, Kailasahar. The petitioner has challenged the impugned order after 4(four) months of his

joining to the place of posting. The grounds taken by the petitioner to challenge the transfer order is that his father is aged about 87 years and is physically handicapped to the extent of 80% having amputated his left hand.

On the other hand, Mr. De, learned Additional GA, has submitted that there are other family members of the petitioner in his house to look after his aged father. He has further submitted that the petitioner has been transferred on administrative exigency and public interest, so, the court may not interfere with the said transfer order.

I have considered submission of learned counsel appearing for the parties.

If the submission of learned counsel for the petitioner is accepted, then, no institution, no organization, no government establishment would be able to run the administration. Every family has its own problem. Moreso, transfer is an incidental to service. The petitioner has been transferred on administrative exigencies. It is the prerogative of the employer to consider as to how the service of its employees would be utilized. The Court will not interfere with such transfer order in absence of manifest malafides on the part of the authority concerned. In the instant case, there is no allegation that the transfer order was actuated with malice. So, this court considers that being a responsible government employee, the petitioner also has the obligation to see the public interest at large.

In view of this, I am not inclined to interfere with the impugned transfer order dated 05.07.2024.

Accordingly, the instant writ petition stands dismissed.

Pending application(s), if any, also stands disposed.

JUDGE

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