

Serial No. 13
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 76 of 2024

Date of Decision: 24.05.2024

Smt. Beena Bhatt,
W/o (L) Rifleman/GD (General Duty)
Tara Dutt Bhatt, aged about 48 years,
Presently serving as No.5430076 Hindi
Teacher at 12th Assam Rifles, Mokokchung,
Nagaland

:::Petitioner

-Vs-

1.Union of India represented by the Secretary
to the Government of India, Ministry of Home
Affairs, North Block, New Delhi, PIN – 110001

2.The Director General, Assam Rifles,
Mahanideshalaya, (The Directorate General
Assam Rifles) Shillong, Meghalaya, PIN – 793011

3.The Commandant,
12th Assam Rifles, C/O 99 APO, PIN – 932012

4. The Commandant,
24th Assam Rifles, C/O 99 APO, PIN – 932024

:::Respondents

Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. B. Pathak, Adv.
Ms. R. M. Shadap, Adv.
Ms. P. Chettri, Adv.

For the Respondent(s) : Dr. N. Mozika, DSGI with
Ms. A. Pradhan, Adv.

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| i) | Whether approved for reporting in
Law journals etc.: | Yes/No |
| ii) | Whether approved for publication
in press: | Yes/No |
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Oral:

1. The writ petitioner by this application is assailing her transfer order dated 01.12.2023, whereby she has been transferred from 12th Assam Rifles, Mokokchung, Nagaland to 24th Assam Rifles, Shangshak, Manipur.

2. The ground for resisting the transfer is that, she is a widow, who has to look after her two children and further, is suffering from several health complications. Her request for consideration it is seen had been rejected by order dated 14.02.2024, with the reason that her request for choice of postings, if any, should have reached the Record Branch, well before the

completion of the present tenure, so that the same could be examined by the Board of Officers.

3. Mr. B. Pathak, learned counsel for the petitioner submits that the only consideration that is sought is due to her ill-health, and that as the reason given by the respondents is that her application for change of transfer was received late, the same was not considered, he prays that directions be issued to the respondents to give a fresh consideration to her prayer.

4. Dr. N. Mozika, learned DSGI for the respondents has submitted that the petitioner is an employee who was accorded compassionate appointment, due to the death of her husband in the course of duty. He further submits that the reasons given to resist the transfer are not sustainable, inasmuch as, and the same is a condition of service and further the children of the petitioner are already adults. Regarding the health condition of the petitioner, it is submitted that the Assam Rifles wherever their personnel are posted, are provided with adequate medical care and attention.

5. Having heard the learned counsel for the parties, it is noted that the only request made by the writ petitioner was that she may be posted to the other units, as detailed in her application for compassionate ground posting which is dated 18.09.2023, annexed at Annexure – 1, to the writ petition.

6. Transfer being an incidence of service, Courts usually do not interfere, unless they are extenuating circumstances that call for interference. The instant case apart from the request on health considerations, no other circumstances exists, to warrant any interference in the said transfer order. However, the respondents shall be at liberty to examine the application of the writ petitioner for transfer to any of her place of choice, in view of the fact as stated that she is due to superannuate in the year 2026.

7. Matter accordingly stands closed and disposed of.

8. Interim order passed earlier stands vacated.

Judge

Meghalaya
24.05.2024
"D.Thabrah-PS"