

Serial No.34
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 361 of 2023

Date of Decision :05.04.2024

AR-279 21C, Second-in-Command,
Vasudevan Potty R,
Aged about 58 years,
S/o. Late Ramachandran Potty,
presently serving as 2IC, Second-In-Command
at 26th Assam Rifles, C/o. 56 APO.

...Petitioner

-Vs-

1. Union of India, represented by the
Secretary to the Government of India,
Ministry of Home Affairs,
New Delhi- 110011.
2. The Director General, Assam Rifles,
Directorate General Assam Rifles,
Shillong, Meghalaya,
Pin : 793010.
3. The Commandant,
26th Assam Rifles,
C/o 99 APO, Pin – 932026.

...Respondents

Coram:

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

Appearance:

For the Petitioner/Appellant(s) : Mr. B.Pathak, Adv.

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

i) Whether approved for reporting in Law journals etc: Yes/No

ii) Whether approved for publication in press: Yes/No

JUDGMENT AND ORDER (ORAL)

1. The petitioner who is stated to be serving as Second-In-Command, Assam Rifles had filed a representation dated 13-07-2023, with a prayer that as he was to superannuate on 31-05-2026, as a last leg posting he may be transferred and posted to a place of his choice. The same however, came to be rejected vide order dated 20-09-2023, and the petitioner being aggrieved thereby, has approached this Court by citing the transfer policy of the Assam Rifles, more particularly, Clause 16 which provides for consideration of transfer based on compassionate problems.

2. Mr. B.Pathak, learned counsel for the petitioner has submitted that the respondents while rejecting the request of the writ petitioner did not consider the same from the angle of last leg posting, which in his opinion

is unreasonable and harsh. He further submits that a prayer had been made initially for posting the writ petitioner in any of the four places, namely, Delhi, Shokhuvi, Lokra and Ghaspani, which has been elaborated in the representation.

3. Dr. N.Mozika, learned DSGI assisted by Ms. S.Rumthao, learned counsel appearing for the respondents has placed on affidavit and relied on the same, to advance his argument that at the place of choice posting as requested by the petitioner, either presently, no vacancy is available, or no post exists for accommodation of the writ petitioner. He has fairly submitted that in the event the writ petitioner files a fresh representation for reconsideration to other stations of his choice, the same will be considered by the respondents in terms of the existing policy.

4. Mr. B.Pathak, learned counsel for the petitioner on the submissions of the learned DSGI prays that the writ petition may be closed at this stage and he be permitted to file a representation within ten days for reconsideration by the respondents, together with liberty to file writ petition afresh, if so advised.

5. In consideration of the submissions of the parties, this writ petition is accordingly closed at this stage, by allowing the writ petitioner to file a fresh representation indicating his choice of postings therein, and the same shall be considered by the respondents within a period of four weeks from

the date of receipt of the said representation. Needless to add, if a new cause of action arises, the writ petitioner is at liberty to approach this Court.

6. With the above directions, matter stands closed and disposed of.

Judge

Meghalaya
05.04.2024
"Samantha PS"