

GAHC010080582019



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

Case No. : WP(C)/2501/2019

AJIT KUMAR SINGH
SON OF RAM LAKHAN SINGH, C/O THE COMMANDANT (ADMN), 128 RCC
(GREF), C/O 99 APO, TEZPUR, PIN- 931647.

VERSUS

UNION OF INDIA AND 4 ORS.
TO BE REP. BY THE SECY. TO THE GOVT. OF INDIA, MINISTRY OF
DEFENSE, NEW DELHI, PIN- 110001.

2:THE DIRECTOR
HEAD QUARTER
DRBR
SEEMA SADAK BHAWAN
RING ROAD
DELHI
CONTT-10
PIN- 110010.

3:THE OFFICER COMMANDANT
1647 PNR COY (GREF)
C/O- 99 APO
PIN- 931647

4:THE COMMANDANT (ADMN)
128 RCC (GREF)
C/O 99 APO
TEZPUR
PIN- 931647.

5:THE OFFICER COMMANDANT
1609 PNR COY (GREF)

C/O 56 APO
PIN- 931609

Advocate for the Petitioner : MR. M K SHARMA

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

**BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

Date : 16-02-2024

1. Heard Mr. M K Sharma learned counsel for the petitioner. Also heard Mrs. S Baruah learned CGC appearing for all the respondents.

2. The petitioner has been working as Pioneer under Seema Sadak Bal. At the time of filing this writ petition he was posted under the respondent No.3, the Officer Commandant, 1647 PNR COY (GREF).

3. The grievance of the petitioner are of two folds, firstly the petitioner has already served different hill stations and therefore he should be posted in a non hilly station and his transfer should be made in terms of the existing transfer policy. The second grievance of the petitioner is that the petitioner wants to keep his hair long, however, his employer is not allowing him to do so.

4. It is the case of the petitioner that to make an entry into the Guinness Book of World Record, he has been growing his hair and if the petitioner achieves such a record the same will also bring laurel to his employer. However, ignoring such fact, the petitioner is not being

allowed to grow his hair long inasmuch as some of the religious communities like Sikhs are allowed to grow their hair.

5. The respondent employer has filed an affidavit and has taken a specific stand that the transfers are being made in terms of the existing policy and in the meantime the petitioner has been posted in a non hilly station i.e., at Bihar.

6. It is the further submission of Ms. S Baruah learned CGC that being a responsible employer the Seema Sadak Bal shall always follows the transfer guidelines to the extent possible inasmuch as such guidelines are having only guiding value and no in-defeasible right is conferred upon an employee.

7. A further stand has been taken that Regulation 665 of chapter XIV, Part –III of Regulation 665 of Defence Service Regulation prescribes that hair of head of non Sikh personnel be kept short and under such regulation the respondent employer cannot allow the petitioner to grow hair as per his wish not being a person from Sikh community.

8. This court has considered the arguments advanced by the learned counsels for the parties and also perused the materials available on record.

9. Admittedly the petitioner is an employee under a disciplined defence force, which is involved in construction of Border Roads in India. There is also no dispute that Defence Service Regulation is applicable to the petitioner. Defence Service Regulation 665 clearly stipulates that non sikh personnel's shall keep their head hair short. When the petitioner entered into a service, his liberty to grow his hair

as per his wish shall be subject to reasonable restriction imposed under service regulation and therefore, he will not have any in-defeasible right to continue in his service and to grow his head hair beyond the prescribed length.

10. That being the position and without there being a right under the service regulation, this court cannot issue a Writ of Mandamus to the respondent authorities to allow the petitioner to grow his hair beyond the stipulation as prescribed under the Regulation 665. Therefore, the prayer of the petitioner so far relating to allowing him to grow his hair long stands rejected.

11. The petitioner has, in the meantime been posted in a non hilly station and therefore in the considered opinion of this court, nothing survives to be adjudicated so far relating to transfer of the petitioner inasmuch as the petitioner is always be at liberty to approach the competent authority or this court in the event he is aggrieved by any order of transfer and no blanket order can be passed to the respondent authority at this stage and in view of any order of transfer being under challenge.

12. Accordingly this writ petition stands dismissed.

13. The parties to bear their own costs.

JUDGE

Comparing Assistant