

GAHC010210962024



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

Case No. : WP(C)/5210/2024

DEBADUTTA BARMAN
SON OF LATE DHIRENDRA KUMAR BARMAN,
RESEARCH OFFICER, O/O THE BRAHMAPUTRA BASIN ORGANISATION
(BBO),
MIDDLE BRAHMAPUTRA DIVISION (MBD),
CENTRAL WATER COMMISSION, ADABARI,
GUWAHATI- 26.

VERSUS

THE UNION OF INDIA AND 3 ORS
REPRESENTED BY THE SECRETARY,
MINISTRY OF JAL SHAKTI,
DEPARTMENT OF WATER RESOURCES,
RD AND GR (ESTABLISHMENT XI),
NEW DELHI- 110011.

2:THE UNDER SECRETARY
MINISTRY OF JAL SHAKTI
DEPARTMENT OF WATER RESOURCES
RD AND GR (ESTABLISHMENT XI)

ROOM NO. 725 (N)
SEWA BHAWAN

R.K. PURAM
NEW DELHI- 110066.

3:THE CHIEF ENGINEER
BRAHMAPUTRA BASIN ORGANISATION (BBO)
CWC
ADABARI

GUWAHATI- 26.

4:THE EXECUTIVE ENGINEER
MIDDLE BRAHMAPUTRA DIVISION (MBD)
CENTRAL WATER COMMISSION
ADABARI
GUWAHATI- 26

Advocate for the Petitioner : MR. R P SARMAH, MS. K DEKA,MR. A R TAHBILDAR

Advocate for the Respondent : DY.S.G.I.,

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 03/10/2024

Heard Mr. R.P. Sarmah, learned senior counsel assisted by Ms. K. Deka, learned counsel for the writ petitioner.

Assailing the transfer order dated 23/09/2024 whereby, the petitioner has been transferred from the Brahmaputra Basin Organisation (BBO), Guwahati to LGBO, Patna, the petitioner has approached this Court by filing the instant writ petition.

Mr. Sarmah, learned senior counsel for the petitioner has argued that the petitioner is facing some personal difficulty, inasmuch as, his wife is a Government servant and is presently posted at Nagaon and the petitioner has a minor child, who is suffering from serious health issues. Under the circumstances, the petitioner would face extreme difficulties if he is compelled to join at Patna. Mr. Sarmah has also submitted that the reliever of the petitioner has been allowed to continue in New Delhi and therefore, there is no urgency in the matter.

Mr. H. Gupta, learned CGC, appearing for the respondents, on the other hand, submits that the petitioner was transferred and posted at Guwahati in the year 2019 and, therefore, the transfer order has been issued in a routine manner so as to carry out internal adjustments in the Department.

After perusal of the transfer order dated 23/09/2024, I find that this is a series transfer order, by means of which, transfer and posting of as many as 7 (seven) Officers serving under the respondent no.1 have been affected. There is nothing to show that the transfer of the petitioner from BBO, Guwahati to LGBD, Patna, was impermissible either under the Rules or the departmental guidelines. Transfer being an incident of service, the scope of interference by the Court in such matter in exercise of jurisdiction under Article 226 of the Constitution of India, is extremely limited. However, the authorities would be duty bound to consider the genuine grievance, if any, expressed by the employees and take appropriate decision in such matters as may be justified in the facts of each case. Since the petitioner has expressed difficulty in joining at Patna due to personal reasons and the earlier representation dated 16/02/2024 submitted by him before the respondent no. 2, has not been considered till today, hence, this writ petition is being disposed of by granting 7(seven) days time to the petitioner from today to submit a fresh representation before the respondent no.1 ventilating his grievance in the matter. If such a representation is filed, the same be considered in accordance with law and appropriate order be passed therein.

Till such time, the representation is disposed of, no coercive action be taken against the petitioner, subject to the condition that the petitioner submits his representation by enclosing a certified copy of this order, within seven days from today.

With the above observations, the writ petition stands disposed of.

JUDGE

sukhamay

Comparing Assistant