

GAHC010269042024



AS:12698-DB

2024:GAU-

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

Case No. : WA/423/2024

GO 3112L EE(CIV) CHANDRA SHEKHAR BELCHANDAN
S/O- LATE K.S. BELCHANDAN, PRESENTLY SERVING AS OFFICER
COMMANDING (OC) AT 92 RCC (GREF), PROJECT BRAHMANK, PIN- 930042
C/O- 99 APO.

VERSUS

1: THE UNION OF INDIA AND 4 ORS REPRESENTED BY JOINT SECRETARY
(BR-WING), MINISTRY OF DEFENCE (EARLIER DESIGNATED AS
SECRETARY (BRDB), ROOM NO. 418, B-WING 4TH FLOOR SENA BHAWAN,
NEW DELHI-110011.

2:DIRECTOR GENERAL BORDER ROADS ORGANIZATION
SEEMA SADAK BHAWAN RING ROAD DELHI CANTT. NEW DELHI-110010.

3:ADDITIONAL DIRECTOR GENERAL (EAST) BORDER ROADS
ORGANISATION LANKESWAR JALUKBARI GUWAHATI C/O- 99 APO
PIN- 900885.

4:THE CHIEF ENGINEER HQ CE (P) BRAHMANK
PIN- 931722 C/O 99 APO.

5:COMMANDER HQ 44 BRTF (GREF)
PIN- 931044 C/O- 99 APO

For the Appellant(s) : Mr. D. Borah, Advocate.

For the Respondent(s) : Mr. K. Gogoi, Central Govt. Advocate.

- B E F O R E -
HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

16.12.2024
(Vijay Bishnoi, CJ)

This writ appeal is filed by the appellant being aggrieved with the judgment & order dated 12.12.2024 passed by the learned Single Judge in WP(C) No.6675/2024, whereby the writ petition filed by the appellant has been dismissed.

The appellant/writ petitioner has approached the Writ Court being aggrieved with the transfer order dated 06.12.2024, whereby he was transferred from 92 RCC/44 TF/BMK to HQ CE (P) PSK. The learned Single Judge, after hearing the learned counsel appearing for the parties, has refused to interfere with the transfer order probably because the appellant/writ petitioner has failed to demonstrate that the impugned transfer order is in violation of any statutory provision or suffering from *mala fides*. The learned Single Judge has taken note of the argument raised on behalf of the appellant/writ petitioner that the said transfer order would be detrimental to his promotional avenues because the appellant/writ petitioner would not be able to serve as a Commanding Officer, experience of which is necessary for promotion on the next post. The learned Single Judge has granted liberty to the appellant/ writ petitioner to move a representation before the concerned authority in respect of the future prospect of promotion with a direction to the respondents to dispose of the said representation expeditiously preferably within a period of 7(seven) days from the date of receipt of the certified copy of the said judgment & order.

Having heard the learned counsel appearing for the parties, we do not find any illegality or infirmity with the impugned judgment & order passed by

the learned Single Judge. Hence, no case for interference is made out. The writ appeal is, therefore, dismissed.

However, it is expected that the respondents shall decide the representation filed on behalf of the appellant/ writ petitioner, if not decided till date, expeditiously within a further period of 7(seven) days from today by a speaking order.

JUDGE

CHIEF JUSTICE

Comparing Assistant