

**HIGH COURT OF TRIPURA
AGARTALA**

WA No.03 of 2025

Sri Biswajit Deb Roy, S/O Sri Dilip Deb Roy, Resident of Shantipur, Uttar Dhanicherra, Pecharthal, P.S. Pecharthal, District-Unakoti, Tripura.

.....Appellant(s);

Versus

1. The State of Tripura represented by the Chief Secretary, Government of Tripura, New Secretariat Building, New Capital Complex, Agartala, P.S. N.C.C., District-West Tripura
2. The Revenue Secretary, Government of Tripura, New Secretariat Building, New Capital Complex, Agartala, P.S. N.C.C., District-West Tripura
3. The District Magistrate & Collector, Unakoti District, Kailashahar, Tripura.
4. The Sub-Divisional Magistrate, Kumarghat, Unakoti District, Tripura

.....Respondent(s).

For Appellant(s) : Mr. Anjan Kanti Pal, Advocate.

For Respondent(s) : Mr. Mangal Debbarma, Addl. G.A.

**HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
HON'BLE MR. JUSTICE S.D. PURKAYASTHA**

Order

10/02/2025

Heard Mr. Anjan Kanti Pal, learned counsel for the appellant and Mr. Mangal Debbarma, learned Additional Government Advocate for the respondents-State.

2. Appellant, being aggrieved by the dismissal of WP(C) 754/2024 vide order dated 17.12.2024 whereby the learned Writ Court refused to interfere in the impugned order of transfer dated 05.07.2024 [Page 37 to the memo of appeal] from SDM's Office, Kumarghat to SDM's Office, Kailashahar, has preferred this appeal.

3. Appellant is serving as Revenue Inspector. He had submitted his joining on 09.07.2024 and preferred the writ petition after about 5 months on 16.12.2024. Learned Writ Court was of the opinion that transfer being an

incidence of service, Court should not interfere unless it is actuated by mala fide on the part of the authority concerned. The larger public interest also has to be taken into account. Appellant has challenged the transfer order on the ground that he is physically disabled to the extent of 80% on the left upper limb. The disability certificate dated 01.12.2023 is at page 33 to the memo of appeal.

4. Mr. Pal, learned counsel for the appellant, submits that his left hand was amputated from above the elbow joint after an accident. His father is 87 years old. He, therefore, will not be able to take care of his father since these two places – Kumarghat and Kailashahar – are separated by a considerable distance. Therefore, the impugned order may be interfered. He has referred to a recommendation contained in letter No.F.1.Policy/2022/339 dated 27.05.2022 issued by the State Commissioner for Persons with Disabilities, Tripura with regard to framing policies for posting and transfer of employees with disabilities. It is submitted that the respondent-authorities are not taking notice of this policy which is beneficial to persons with disabilities. He has made several representations before the respondents which have not been heeded to. Therefore, the impugned order may be set aside and the order of transfer may be quashed.

5. Mr. Mangal Debbarma, learned Additional Government Advocate for the respondents-State, has opposed the prayer. He submits that appellant was earlier also transferred on 22.06.2020 from SDM's Office, Kumarghat to SDM's Office, Kailashahar. However, on humanitarian grounds he was transferred back to his place of posting by order dated 25.09.2020 by the District Magistrate & Collector, Unakoti District, Kailashahar. After three years, he has been transferred along with two others to SDM's Office, Kailashahar in the interest of administration and since he had completed more than three years at the same

place. It is submitted that Kumarghat and Kailashahar are separated by a distance of 25 to 30 kilometers only. It is further submitted that the appellant has joined the place of posting and approached this Court after 5 months. The order of transfer has taken effect. Therefore, it may not be interfered.

6. We have considered the rival submission of the parties and taken note of the materials placed from record. We are of the considered view that since the appellant has joined on 09.07.2024 pursuant to the order of transfer dated 05.07.2024, the order has taken effect. The challenge thereto before the learned Writ Court is delayed by five months without any explanation. It further appears from the pleadings on record that appellant prior to the impugned order of transfer except for a brief period of three months between June, 2020 and September, 2020, he was working at the same office in Kumarghat.

7. In such circumstances, this Court does not find any reason to interfere in the matter. Appellant is at liberty to make a representation before the competent authority taking such grounds of physical disability which may be considered in accordance with law in a sympathetic manner within a reasonable time. The instant appeal is dismissed however with the aforesaid observations. Pending application(s), if any, shall stand disposed of.

(S.D. PURKAYASTHA), J

(APARESH KUMAR SINGH), CJ

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