

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7752 of 2015

=====

1. Manish Kumar, S/o Shree Raj Nandan Singh, Resident of- Mokama Moldiyar Tola, Ward no. 13, P.S.- Mokama, District- Patna.
2. Sarita Kumari, W/o Manish Kumar, Resident of- Mokama Moldiyar Tola, Ward no. 13, P.S.- Mokama, District- Patna.

.... Petitioner/s

Versus

1. The Union of India through the Directorate General, Central Reserved Police Force, C.G.O. Complex, Lodhi Road, New Delhi.
2. The D.I.G. (Establishment), Directorate, Central Reserve Police Force, C.G.O. Complex, Lodhi Road, New Delhi.
3. The I.G. Bihar Sector, Central Reserve Police Force, Patna.
4. The D.I.G., Central Reserve Police Force, Group Centre Mokamaghat, Patna.
5. The Commandant, Central Reserve Police Force, Group Centre Mokamaghat, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Vitesh Kumar Singh, Adv

For the Respondent/s : Mr. Sanjay Kumar(ASG)

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 18-05-2015 Heard learned counsel for the parties.

Having regard to the fact that the petitioner no. 1 is working in disciplined force i.e. Central Reserve Police Force on the post of Constable and has a grievance against his order of transfer, this Court would find it difficult to issue any direction on the basis of some circular which are absolutely directory in nature.

Nonetheless, the petitioner no. 1 has already filed



his representation explaining not only his ailments but also the relevant circular giving him protection not to be posted in field area (operational area) and also being posted near his home so that he can get assistance from his family members. In that view of the matter, as the petitioner no. 1 has already filed his representation placing reliance on the aforementioned executive instructions of the C.R.P.F., this Court would direct the I.G. C.R.P.F., Bihar Sector, respondent no. 3, to take conscious decision within a period of one week from the date of receipt of this order. Such order must also reflect the consideration of the case of the petitioner no. 1 in the light of the facts mentioned by him in the representation.

Since, the petitioner no. 1, has already been relieved on 2nd May, 2015 and has to join at his transferred place by 22nd May, 2015, it is made clear that in the event of either joining of the petitioner no.1 at his transferred place on or before 22nd May, 2015 or even otherwise, if ultimately a decision is taken by the I.G.

C.R.P.F. Bihar Sector, in favour of petitioner no. 1, he shall be entitled for re-transfer or any fresh transfer as may be found necessary for rehabilitating the petitioner no.1.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

Ranjan/-

U			
---	--	--	--