

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8842 of 2015

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Hira Lal Pandey son of Sri Ramasish Pandey, Constable/Water Carrier presently posted at C.I.S.F. Unit, IOC Barauni, P.O. Barauni Refinery Campus, Police Station Barauni Refinery Police Station, District-Begusarai, Permanent resident of village- Nokhpur, P.O. Aather, Police Station- Nawanagar, District- Buxar, Bihar

.... Petitioner/s

Versus

1. The Union of India through Director General of Central Industrial Security Force, having its office at C.G.O. Complex, Lodhi Road (New Delhi)
2. Inspector General C.I.S.F. Eastern Zone having its office at Patna in Bihar
3. Deputy Commandant C.I.S.F., Unit, LOC, Barauni, Bihar
4. Assistant Commandant, C.I.S.F. Unit, LOC Barauni, Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nagendra Dubey, Adv.

For the Respondent/s : Mr. Awadesh Kr. Pandey, SCG 2
Mr. Ravinder Kumar Sharma, CGC

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 26-06-2015 Heard learned counsel for the parties.

Having regard to the fact that the petitioner has already complied the order of transfer and movement by joining at Dhanbad, this writ application has definitely become infructuous.

In view of the fact that the order of transfer of the petitioner had remained operational, the movement order dated 30.5.2015, assailed in this writ application, cannot be interfered by this Court, inasmuch as, neither the transfer of the petitioner is contrary to any rule nor the same was said to be malafide.



The petitioner has a grievance that on account of such transfer/movement order from Barauni to Dhanbad, there may be a dislocation in his family especially for his daughter who is pursuing her course at Barauni. Though these facts had already been raised by the petitioner in a representation to his employer but, then, the transfer or the movement order cannot be quashed by this Court on this ground alone. In this regard, the law stands well settled way back in the case of *Shanti Kumari Vs. Regional Deputy Director, Health Services, Patna Division, Patna & Ors.* reported in *AIR 1981 SC 1577* laying down that transfer, being an exigency of the service, its interference by Court and that too in exercise of discretionary power under Article 226 of the Constitution of India will not be permissible and the incumbent in fact has to move to the authority for redressal of his grievance.

Thus, for the reasons indicated above, this Court must dismiss the writ application. It is, accordingly, dismissed.

(Mihir Kumar Jha, J)

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