

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO.1588 OF 2015**

Eknath Zendu Patil

...Petitioner.

versus

Union of India and others

..Respondents.

.....

Mr. C.G. Gavnekar i/b Mr. S.B. Chandan for the Petitioner.

Mrs. Neeta V. Masurkar for the Union of India.

.....

**CORAM : NARESH H. PATIL &
A.S. GADKARI, JJ.****24th February, 2015.****P.C. :**

The Petitioner was appointed as Cook with CRPF on 11th July, 2003. He was deputed initially to Gandhinagar, Gujarat. Thereafter he was transferred to Narshingarh on 28th October, 2003 as a field worker. The Petitioner was thereafter transferred to Jammu on 14th July, 2006. He served there for two years seven months and thereafter transferred to Mankholi, Tinsukia on 13th March, 2009. He served there till 29th August, 2013. The Petitioner was given choice transfer and accordingly, he was transferred to Taloja, Navi Mumbai, Maharashtra. On instructions, it is submitted that the Petitioner got an opportunity to live with his family members after putting in 11 years' service. He has two sons.

2. The Petitioner received the movement order signed on 3rd February, 2015. He was transferred to Bhopal to work with Battalion

107 (RAF). The Petitioner alleged that the Respondent No.3 ill-treated the Petitioner as he was displeased with the Petitioner. The learned counsel appearing for the Petitioner submitted that the impugned transfer order is malafide in nature. It is mid-term transfer order. The Petitioner has not been served with the transfer order, but with the movement order. The impugned order is against the standing order No.1 of 2014 (Exhibit-F).

3. The learned counsel appearing for the Respondents has placed on record certain documents. It is the submission of the learned counsel appearing for the Respondents that five employees were transferred by Respondent No.3 including the Petitioner. Under the rules, the transfers are permissible. The Petitioner had no grievance against the authorities and treatment given to him till the transfer orders were issued. But suddenly the Petitioner started making wild allegations, writing representations to high dignitaries and approaching the electronic media against the movement order. The learned counsel submits that under the existing policy, the Petitioner could have made representation to the Respondent No.2 – Directorate General, C.R.P.F., New Delhi which has not been made.

4. We have heard this Petition on 17th February, 2015. By way of ad-interim relief we had directed to maintain status quo. We have

perused the record produced before us. The learned counsel appearing for the Respondent submitted that affidavit in reply could not be filed due to want of time as the same is required to be finalized and sworn with the consent of the officers at New Delhi. The learned counsel therefore placed on record some documents in support of the submissions.

5. Under the rules framed under Standing Order 1 of 2014, transfer order should not normally be issued in the middle of academic session. It is brought to the notice of this Court that one child of the Petitioner is studying in Montessori and another in 2nd standard. The Petitioner has requested for retaining the official quarter for some more time since the children are school going. We have perused the said representation also. The learned counsel appearing for the Respondents submits that in 107 Battalion there is shortage of cooks. Considering the exigencies, the movement order has been issued.

6. We observe that the Petitioner is entitled to file a comprehensive representation to Respondent No.2, Director General, C.R.P.F., New Delhi. The learned counsel for the Petitioner states that the same has been filed on 12th February, 2015. We direct that the Respondent No.2 shall decide the representation, in case, it is received and communicate the decision to the Petitioner.

7. As the Petitioner's children are studying, we direct that the official quarter be allowed to be retained by the Petitioner's immediate family till the end of April 2015. Interim relief in respect of staying the movement order stands vacated.

The Petition is disposed of.

(Naresh H. Patil, J.)

(A.S. Gadkari, J.)