

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1624 of 2017

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Lal Deo Kumar, s/o Shri Ramjee Bhagat, force no 031474459, rank head constable, Radio operator, 131 Bataiyan Signal Platoon, Mainul Haque Stadium, CRPF, Rajendra Nagar, Patna.

... .. Appellant/s

Versus

1. The Union of India through Principal Secretary Defense, CRPF, Head Office Ledhi Road, CGO Complex, New Delhi.
2. The Director General of Police, CRPF, Head Office Ledhi Road, CGO Complex, New Delhi.
3. The I G Communication, CRPF, Head Office Ledhi Road, CGO Complex, New Delhi.
4. The DIG Signal Range, Salt Lac, West Bengal, Kolkatta.
5. The Commandant 3 Sigani Batalian, Salt Lac, Sector 5, West Bengal, Kolkatta.
6. The Commandant 131 Batalian, RPF, M/s Stadium, Rajendra Nagar, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Chandra Kant
For the Respondent/s : Mr. S.D SANJAY (ADDL. SOC. GEN.)
Mr. Ram Anurag Singh, CGC

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 12-12-2017 Having heard learned counsel for the parties at length and on going through the grounds canvassed by the appellant in the matter of assailing an administrative order of transfer, we find that the appellant challenges the transfer on account of violation of the transfer policy, which is not the statutory transfer policy, it is only guidelines and therefore, it cannot be enforced by a writ of mandamus in view of the law laid down by the Apex Court in the case of **Union of India & Ors. Vs. S.L.Abbas: (1993) 4 SCC 357.**



Learned counsel for the appellant prays to direct the respondents to cancel the decision of transfer of the appellant on medical ground as in the case of Anand Kumar Tiwary and adjustment granted to him.

If that be so, if the departmental authority granted such benefit to other similarly situated employee, after following the grievance of the petitioner in the backdrop of the facts and circumstances of the case, it is for the departmental authorities to take action on the representation of the petitioner and it is not for the Writ Court to enter into all these administrative matter and review the order of transfer in exercise of limited power of review under Article 226 of the Constitution.

We do not find any reason to make indulgence into the matter as we find that the Writ Court has rightly relegated the petitioner to take recourse to the departmental authority.

Finding no error in the order of the Writ Court, we dispose of the matter.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

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