

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1149 of 2017

IN

Civil Writ Jurisdiction Case No. 4829 of 2017

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Nirbhay Kumar Niranjan, Son of Chandeshwar Prasad Singh, resident of village -
Aurangabad, Police Station- Kahalgaon, District - Bhagalpur.

.... Appellant/s

Versus

1. The Union of India, through the Secretary, Department of Home Affairs,
Government of India, New Delhi
2. The Secretary, Department of Home Affairs, Government of India, New Delhi
3. The Director General, Central Industrial Security Force, Lodhi Road, New
Delhi
4. The Inspector General, Central Industrial Security Force, Headquarter, Lodhi
Road, New Delhi
5. The Inspector General, Central Industrial Security Force, East Zone, Boring
Road, Patna
6. The Deputy Inspector General, Central Industrial Security Force, East Zone,
Boring Road, Patna
7. Assistant Commandant, Central Industrial Security Force Unit, Kahalgao n
Super Thermal Power Project, Kahalgao n, Bihar
8. The Deputy Commandant, Central Industrial Security Force Unit, Kahalgao n
Super Thermal Power Project, Kahalgao n, Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar, Advocate

For the Respondent/s : Mr. S.D Sanjay (Addl. S.G.)
Mr. Shyam Bihari Singh, CGC

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 11-12-2017

Ref.: I. A. 5999 of 2017

The present interlocutory application has been filed
for condoning the delay of 58 days in filing the appeal.

2. For the reasons mentioned in the interlocutory
application, I.A. No. 5999 of 2017 is allowed and the delay in filing



the appeal is condoned.

3. Having heard learned counsel for the parties, we find that writ petitioner has been transferred because of certain reasons, which are indicated by the respondents in their counter affidavit (Annexure-A), even though the writ petitioner alleges that these are acts of omission and commission and allegations made against him because he has been transferred without granting even an opportunity and in violation of the principles of natural justice.

4. We are of the considered view that in the case of transfer, the reasons indicated in Annexure-A to the counter affidavit, even though it amounts to allegation for the purpose of transfer, its reason is administrative in nature, which compelled the authorities to transfer the writ petitioner and this being exercised on administrative power of transfer, we see no reason to make any indulgence into the matter.

5. The appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.12.2017
Transmission Date	NA

