

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.30150 OF 2017

ORDER

The case of the petitioner as per the averments made in the affidavit filed in support of the writ petition is that he has been working as Assistant Commandant, 53rd battalion, Indo Tibetan Boarder Police Force, Palem, Kalikiri, Chittur. By the impugned proceedings of the 3rd respondent dated 23.08.2017, he is transferred from 53rd Battalion, Chittur to 45th Battalion, Madurai. The further case of the petitioner is that as per the Standing Orders dated 14.09.2016, his tenure at the present station would end by April, 2018 and thus his transfer is in violation of the Standing Orders and that as he being the only son, his assistance to his father is required who is about to undergo knee replacement operation on 28.12.2017. Ventilating his grievance, he made representation to the 3rd respondent and by order dated 28.08.2017, the same was rejected without reasons. The petitioner preferred appeal on 31.08.2017 to the 2nd respondent, but the same has not been considered. Aggrieved by the action of the respondents in transferring him contrary to Standing orders dated 14.09.2016 and in not disposing of the appeal, the present writ petition has been filed.

Heard the learned counsel for the petitioner and Sri K.Lakshman, Assistant Solicitor General for 1st respondent and Sri N.Harinath Standing Counsel for other respondents.

Standing order No.02/2016 dated 14.09.2016 deals with Guidelines to regulate posting / transfer of ITBP personnel. Clause 5(b) of the said guidelines reads as under:

“All transfer orders will be issued simultaneously. Any representation relating to transfer must be made within 30 days from the date of receipt of orders and same shall be

disposed off by the competent authority within the next two weeks. Further, all transfer orders shall be effective from 1st May every year and by 31st May compliance shall be submitted by all formations regarding relieving of all transferred personnel under their command.”

As per the above clause, the transfers shall be effected from 1st May and by 31st May, compliance is required to be submitted to the competent authority. In the present case, the impugned transfer is in August. The grievance of the petitioner is that his tenure at the present station would end in the month of April, 2018 and the impugned transfer is contrary to Standing Orders. The further grievance of the petitioner, as noted above, is that his father has to undergo knee replacement operation and that he being the only son, his assistance is required and that the 3rd respondent rejected his representation without any reasons and the appeal filed by him to the 2nd respondent is not being considered.

In view of the above facts and circumstances, the respondent No.2 / competent authority is directed to dispose of the appeal filed by the petitioner in terms of the Standing Order No.02/2016 dated 14.09.2016 and take appropriate action in accordance with law. Till then, the impugned order dated 23.08.2017 *qua* the petitioner, shall remain stayed.

With the above direction, the writ petition is disposed of. No costs. Miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER REDDY,J

DATE:07—09—2017

AVS