

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4362 of 2018

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Prem Kant Chaubey, son of Late Jagatanand Chaubey, Resident of Village-
Waina, P.S. Nawanagar, District- Buxar.

... .. Petitioner

Versus

1. The Union of India through the Secretary, Ministry of Home Affairs,
Government of India, New Delhi.
2. The Director General, CRPF, CGO Complex, Lodhi Road, New Delhi.
3. The Special Director General, Central Zone, Kolkata.
4. The Inspector General (Personnel), CGO Complex, Lodhi Road, New Delhi.
5. The Inspector General of Police, Bihar Sector, CRPF, Ashiana, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Vindhya Keshri Kumar, Sr. Advocate Mr. Gautam Kumar Kejriwal, Advocate
For the Respondent/s	:	Mr. S.D Sanjay (A.S.G.)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 06-09-2018

Heard learned counsel for the petitioner and
learned counsel for the Union of India.

2. In this case, the petitioner is challenging the order of transfer from Bihar to Jammu Kashmir. The ground has been taken that normal period for stay in one station is three years and only nine months is left, he has been transferred to Jammu Kashmir. Further ground has been taken that on account of illness of his mother he wants to remain in Bihar for some time.

3. This Court vide order dated 15.03.2018 has granted status quo in favour of the petitioner, thereby he remained in Bihar for about six months. As per the petitioner, the period of



three years is going to be completed in a short time.

4. The petitioner with the full knowledge has joined the armed forces, even if there is a period of less than three months, the Court should not interfere with the order of transfer. However, learned counsel for the petitioner has drawn the attention of this Court to Clause-6 of the Transfer Policy, wherein it has been mentioned as follows:-

“The Director General, CRPF has the right to relax any of the guidelines contained in Standing Order No.07/2014 governing Transfer Policy of GOs(Executive) and Medical Officers on administrative or operational grounds”

5. In that view of the matter, prayer has been made by the petitioner that he should be allowed to file a representation before the Director General, CRPF, who will consider the same considering the predicament which he is facing about the illness of his mother as he is the only son, requested that the Director General, CRPF, should exercise relaxation in his favour, so that he will be able to serve his mother at this juncture.

6. Whereas, learned counsel for the Union of India has placed reliance on the judgment rendered in the case of ***Major General J.K. Bansal vs. Union of India and Ors.*** reported in ***(2005) 7 S.C.C., 227***, wherein it has been held that in



normal circumstance, the Court should not interfere with the order of transfer.

7. In such view of the matter, this Court is not inclined to interfere with the order of transfer. First, the petitioner must join the place of new posting and thereafter he may file a representation before the Director General, CRPF. If such a representation is filed, the Director General, CRPF will be obliged to consider the same and take decision in accordance with law looking to the attending circumstances of the petitioner. Let the petitioner join the place of new posting within four weeks from today.

8. With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	14.09.2018
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