

Court No. - 58

Case :- WRIT - A No. - 17084 of 2018

Petitioner :- Suman Kumar

Respondent :- Director General Railway Protection Force And 4 Others

Counsel for Petitioner :- Sunil Kumar Singh, Ajay Kumar Srivastava

Counsel for Respondent :- Vikash Chandra Tripathi, Rajnish Kumar Rai

Hon'ble Ashwani Kumar Mishra, J.

Heard learned counsel for the petitioner and Shri Vikash Chandra Tripathi for the respondents.

Petitioner has been transferred by the order impugned dated 27.07.2018 from Farrukhabad to Izzat Nagar. The order is challenged on account of various personal hardships and medical exigencies. Submission is that on petitioner's representation, the committee constituted had made favourable recommendations, but the Director General has disapproved the same.

Petition is opposed on behalf of the respondents by contending that petitioner holds a transferable post and that, no violation of rule is alleged, nor any mala fide is established.

Having considered the submissions advanced and the materials placed before the Court, this Court finds that no interference with the order of transfer is called for, particularly, as the petitioner holds a transferable post and transfer is an incident of service. Law is, otherwise, settled that except in case where rules are violated or allegations of *mala fide* are established, ordinarily, interference with an order of transfer is not warranted. The challenge laid to the order of transfer, therefore, fails.

However, in the facts and circumstances of the case, noticed above, it is provided that in case petitioner joins, pursuant to the order of transfer, forthwith, he shall be at liberty to represent in the matter before the authority concerned within a period of two weeks from today, which shall be dealt with in terms of transfer policy within a further period of six weeks, thereafter.

With the observation, aforesaid, this petition stands disposed of.

Order Date :- 10.8.2018

Amit Mishra