

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15685 of 2019

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Vijay Kumar Pandey, male, aged about 43 years, S/o Late Dalsingar Pandey,
Resident of Village Pandey Tola, P.O. and P.S. Bhore, Distt.-Gopalganj,
Presently posted as Inspector-Executive, C.I.S.F., Airport Sector Group
(ASG), Airport, Patna.

... .. Petitioner/s

Versus

1. The Director General, Central Industrial Security Force (C.I.S.F.) CGO Complex, New Delhi-110001.
2. The Additional Director General, Central Industrial Security Force (C.I.S.F.), APS Headquarter, Mahipalpur, New Delhi.
3. The Deputy Inspector General, Central Industrial Security Force (C.I.S.F.), Airport-Eastern and North-Eastern, Airport Headquarter, Kolkatta.
4. The Commandant-cum-Chief Airport Security Officer, Central Industrial Security Force (C.I.S.F.), Airport Sector Group, Airport, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Siddharth Harsh, Adv.

For the Respondent/s : Mr. S.D. Sanjay, Add. S.G.

Mr. Kumar Priya Ranjan, AC to Add. S.G.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 08-08-2019

Re. I.A. No. 1 of 2019 :

The aforesaid interlocutory application has been

filed for making modification in the prayer portion of the writ



petition and including the prayer of quashing of the letter dated 26.07.2019 issued by the Commandant, C.I.S.F. Unit, A.S.G., Patna, whereby the petitioner has been informed about the rejection of his representation for annulling/cancelling his transfer to ASG, Agartala.

2. The prayer made in I.A. No. 1 of 2019 is allowed.

3. The letter dated 26.07.2019, referred to above, is permitted to be impugned in the present petition.

Re. C.W.J.C. No. 15685 of 2019 :

Heard Mr. Siddharth Harsh, learned Advocate for the petitioner and Mr. S.D. Sanjay, learned Additional Solicitor General for the Central Government, assisted by Mr. Kumar Priya Ranjan, learned Advocate.

2. The petitioner seeks quashing of the letter dated 17.05.2019, contained in Memo No. 4599, passed by the Additional Director General, Central Industrial Security Force, A.P.S. Headquarters, New Delhi, whereby the petitioner has been transferred to A.S.G., Agartala from A.S.G., Patna within two years of his being posted at Patna



as also the order dated 26.07.2019, rejecting his request for cancellation of the aforesaid order of transfer.

3. Apart from the other grounds, learned counsel for the petitioner has raised the issue of *malafides* in effecting the order of transfer of the petitioner. Annexure-6 has been brought to the notice of this Court, which is a complaint made by the petitioner before the Commandant, A.S.G., Patna alleging that the vehicle supplier, being a relative of one of the members of the Force had not been conducting his work properly and was not providing vehicles for transportation of Constables/Officers. It has been submitted on behalf of the petitioner that because of the petitioner raking up the aforesaid issue, he has been *malafidely* transferred to A.S.G., Agartala, even before he could complete the normal periodicity of his tenure at Patna.

4. It has further been submitted that after about 17 years of the petitioner rendering service in the C.I.S.F., he was transferred to A.S.G., Patna, which is his home sector and only because of the aforesaid complaint made by him, which could have had impacted the contract of such



vehicle supplier, who, according to the petitioner, is somehow or the other connected with one of the members of the Force, he has been transferred.

5. It appears that the petitioner has been rewarded for his good work which is evident from the cash-rewards, which he has received for meretricious services. Merely because a complaint has been raised by him as against a vehicle supplier, it cannot be presumed that the order of transfer, which is prior to the complaint, is infested with *malafides* or with any vindictive approach.

6. Mr. S.D. Sanjay, learned Additional Solicitor General, has shown to this Court the statement of facts on the basis of which counter affidavit is to be prepared.

7. This Court would not like to comment on any adverse statement made in the aforesaid statement of facts, if the same has not been brought on record by way of an affidavit.

8. In any view of the matter, considering that the scope of this Court in the matters of transfer and that also in a disciplined Force is very limited, this Court is not



inclined to accede to the request of the petitioner for cancelling such order of transfer.

9. It may also be noted here that one of the grounds raised by the petitioner is that one of his children is in the last year of his School and if one year extension would have been given to the petitioner, may be the child would have completed his/her education.

10. In response to the aforesaid argument made on behalf of the petitioner, Mr. S.D. Sanjay has informed this Court that in the event of any Personnel of C.I.S.F. being transferred to North-Eastern sector, he/she has the advantage of retaining a quarter where-ever he/she is posted. It has also been pointed out by Mr. S.D. Sanjay that pursuant to the order of transfer, the petitioner has already joined at his place of posting and in his place, charge has been given to some other person.

11. Considering the totality of the circumstances, this Court is not inclined to interfere with the order of transfer which has been impugned in the present petition as also the order dated 26.07.2019 referred to



above.

13. The petition is dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	19.08.2019
Transmission Date	N/A

