

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4956 of 2019

S. P. Dubey S/o Shri K. N. Dubey Aged About 42 Years Presently Working As RPF Head Constable, Office Of Security Control, RPF Nagpur, Division Nagpur, District- Nagpur, Maharashtra.

---- Petitioner

Versus

1. Union Of India Through The Secretary, Railway Board, Rail Bhawan, New Delhi.
2. Deputy Director SEC(E) Railway Board, New Delhi.
3. Director General Railway Protection Force, Bilaspur, Division, Bilaspur, Chhattisgarh.
4. Principal Chief Secretary Commissioner RPF, South East Central Railway, Bilaspur, Chhattisgarh.
5. Assistant Secretary Commissioner RPF Head Quarter, South East Central Railway, Bilaspur, Chhattisgarh

---Respondents

For Petitioner	:	Mr. C. Jayant K. Rao, Advocate
For Respondents	:	Mr. Rajkumar Gupta, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/07/2019

1. The challenge in the present writ petition is to the order Annexure P/1 dated 27.06.2019. Vide the said order, the petitioner has been transferred on administrative interest from the SEC Railway, Nagpur to the Southern Railway.
2. The contention of the petitioner firstly is that the order is one which would come within the purview of a frequent transfer, in as much as the petitioner only about few days back had been transferred from Charoda, Bhilai to Nagpur vide order dated 14.06.2019 and that within less than 9 days time, the impugned order (Annexure P/1) has again been issued transferring the petitioner to a different zone i.e. from SEC Railway, Nagpur to Southern Railway.

3. The further contention of the petitioner is that the impugned order is also bad for the reason that the same appears to have been with malice as the petitioner recently was subjected to disciplinary proceedings and vide order dated 14.06.2019, the petitioner has been inflicted with a punishment of lowering in the scale by two stages for a period of two years with cumulative effect and immediately thereafter the respondents firstly transferred the petitioner from Charoda, Bhilai to Nagpur and now vide the impugned order from Nagpur to different zone in Southern Railway.
4. Mr. Rajkumar Gupta, counsel for appearing for the respondents opposing the petition submits that the impugned order has not been with any sort of malice, but is only on administrative exigency as is revealed from the impugned order. He further submits that the impugned order has also been passed at the behest of the Director General of Railway Protection Force and also that of the Railway Board, Ministry of Railway and thus opposed the petition.
5. The counsel for the respondents also submits that it is not just that the petitioner alone who has been transferred, there have also been other inter-zone transfers also made by the Department taking into consideration the overall administrative exigency and interest of the Department.
6. Having heard the contentions put forth on either side and on perusal of record particularly the records enclosed along with the writ petition and the documents, which the learned counsel for the respondents has produced during the course of the day, this Court is of the opinion that the impugned order does not suffer from any malice against the petitioner on the part of the respondents. That it has also been revealed that the petitioner has been posted under the SEC Railway for almost 20 years now. This Court is thus

of the opinion that no strong case has been made out by the petitioner calling for an interference with the impugned order. Our reluctance to interfere with the impugned order would not preclude the petitioner from approaching the authority by an appropriate representation ventilating his grievances keeping in view the transfer policy of the Department. Subject to the petitioner's making an appropriate application, the respondents are expected to decide the same at the earliest.

7. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved