Item No. 2
(Through video conferencing)

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

WP(C) No. 867 of 2018

Shri Loitongbam Giyandro Singh, aged about 34 years, S/O L. Dhonendro Singh, resident of Nambol Kongkham Makha Leikai, Ward No. 8, P.O. & P.S. Nambol, District Bishnupur, Manipur. Pin- 795140, at present posting at 86 Bn CRPF, having CT/COB No. 065150315.

…. *Petitioner/s*

- Versus –

Union of India represented through its Home Secretary (Ministry of Home Affairs) North Block, New Delhi, Government of India. 110001 ***& 3 ors.***

.... *Respondent/s*

BEFORE
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

26.08.2020

Heard Mr. M. Devananda, learned counsel appearing for the petitioner and Mr. W. Darakishwor, learned senior panel counsel appearing for the respondents.

[2] In the present case, the petitioner was transferred from 86th Bn, Manipur to RTC AVD (Recruiting Training Centre) on completion of his tenure on 09.05.2017. Having been aggrieved by the said transfer order the petitioner submitted a representation dated 24.05.2017 to the concerned authorities requesting for allowing him to remain in his present place of posting in Manipur on the ground of illness of his wife and his father.

[3] It will be relevant to mention here that the said representation has been filed as provided under Para No. 4(xvi) of the standing order No. 07/2015 wherein it is provided that the eligibility condition as laid down in the

said standing order may be relaxed by 1(one) year in very deserving case including the illness of one spouse or child from any of the diseases mentioned herein.

[4] When the respondents failed to consider his representation, the petitioner approached this Court by filing WP(C) No. 569 of 2018, assailing the said transfer order. The said writ petition was disposed of by this Court on 05.07.2018 by directing the concerned respondents to consider the representation dated 24.05.2017 submitted by the petitioner and to dispose of the same by issuing a speaking order. This Court also directed that till the disposal of the said representation, the petitioner should not be disturbed from his present place of posting and that no order of movement shall be issued in respect of the petitioner. By virtue of the said interim order, the petitioner is still continuing in his present place of posting.

[5] In compliance with the aforesaid order of this Court, the concerned authorities considered and rejected his representation by order dated 31.08.2018. It is the case of the petitioner that while disposing of his representation the authorities have not taken into consideration the ground of illness of his wife and other family members and on this ground alone the petitioner challenge the said rejection order dated 31.08.2018.

[6] On the perusal of the said order dated 31.08.2018, rejecting the representation of the petitioner, the illness of the wife of the petitioner as well as of his father was taken into consideration and after such consideration the representation of the petitioner was rejected on the ground that the petitioner had availed more than 5(five) years tenure in 86th Bn at Imphal against the

prescribed tenure of 3(three) years. Accordingly, the authorities cannot further retain the petitioner in 86th Bn as per the standing order dated 07/2015.

[7] On examination of the relevant documents, this Court find that in Para No. 4(xvi) of the standing order No. 07/2015 it is clearly provided that the eligibility condition as laid down in the said standing order can be relaxed by only 1(one) year on the ground of the condition mentioned therein including the illness of one spouse or children.

[8] In the present case as the petitioner has availed more than 1(one) year in his present place of posting by virtue of the interim order passed by this Hon'ble Court, this Court is of the view that the petitioner cannot be retained further in his present place of posting in terms of the standing order relied on by the petitioner.

In this view of the matter, there is no merit in the present case and accordingly, the writ petition is dismissed.

Interim order passed earlier stands vacated.

JUDGE

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MAYANGLAMBAM CHANU NANDINI

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