

S/L 22
02.12.2020
Chamber
SD

WPA 6710 of 2020
With
CAN 1 of 2020
(Old No. CAN 5612 of 2020)
(Via Video Conference)

M. Govindaraju
Vs.
Union of India & Ors.

Mr. Biswarup Nandy

...for the Petitioner.

Mr. Debapriya Gupta
Mr. Arijit Majumdar

...for the Union of India.

This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by his present posting with the Border Security Force.

Counsel appearing on behalf of the respondent authority has vehemently opposed the writ petition and has submitted that the present posting of the writ petitioner is as per his choice and, therefore, there is no scope for the writ court to interfere.

Upon perusal of all the records, I am of the view that this writ petition is required to be dismissed as no fresh representation is made by the petitioner for a transfer.

Accordingly, this writ petition is premature and dismissed.

The dismissal of the writ petition shall not prevent the writ petitioner from making a representation before the appropriate authority in accordance with law.

In the event, such a representation is made by the petitioner, the appropriate authority is directed to consider the same keeping in view the rules and regulations that govern transfer of Border Security Force personnel in an expeditious manner.

Since, no affidavit-in-opposition has been called for the allegations made in the writ petition are deemed to have not been admitted by the respondents.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Shekhar B. Saraf, J.)