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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(Via Video Conference)

WPA 13423 of 2021

Sudip Bhattacharya
Vs.
Union of India & Ors.

Mr. Bhaskar Prosad Banerjee,
Mr. Parashar Baidya
... For the petitioner.

Mr. Amitesh Banerjee, Sr. Advocate,
Mr. Rudrajit Sarkar
Mr. Sanjib Kumar Tribedi
... For the respondents.

Affidavit of service filed in Court today is taken on record.

The petitioner, prior to being transferred, was working as Manager Finance in Indian Railway Catering and Tourism Corporation Limited (in short, IRCTC) at Kolkata. The petitioner has been transferred on 31st March, 2021 to Secunderabad as Manager Finance. The petitioner says that his wife who is posted at B. R. Singh Hospital under Eastern Railway, Kolkata, as Chief Matron is diagnosed of chronic myeloid leukemia and is, as such, undergoing treatment at Kolkata. The petitioner says that it is not possible for the petitioner alone to take care of his wife and as such he requires support from his family members, who are all at Kolkata. If the petitioner has to join at Secunderabad, the petitioner will face immense

hardship in continuing with the treatment of petitioner's wife at Kolkata. The petitioner had made a representation for review of his transfer order, on 10th July, 2021. The petitioner is seeking reconsideration of his transfer order by the authority concerned, who according to the petitioner, has the power to review the decision of transfer in case of exigency.

On behalf of IRCTC, it is submitted that the petitioner has been serving at Kolkata since he joined the service in 2006. The transfer is a routine one for better administrative purpose. The job of the petitioner is transferable and he cannot object to such transfer in law, as he has not been subjected to any victimization. The petitioner has, in fact, enjoyed more than fifteen years of hometown posting.

The petitioner has not yet joined his present place of posting at Secunderabad on being transferred. The petitioner is on leave. The petitioner shall join his transferred post by 27th September, 2021 without prejudice to his rights to seek review of the transfer order. In the event, the petitioner joins at his transferred post at Secunderabad within 27th September, 2021, the petitioner's employer, IRCTC, shall not take any penal or coercive measures as against the petitioner. The employer, IRCTC may also consider the petitioner's prayer for leave if so necessary for his wife's treatment in accordance with

law after he joins his present posting at Secunderabad.

The Competent Authority of IRCTC shall consider the petitioner's representation dated 10th July, 2021, in the light of the hardship said to be faced by the petitioner due to the illness of his wife, afresh without being influenced by any other rejection of the prayer for review of the transfer order. The Competent Authority shall decide upon the petitioner's representation dated 10th July, 2021 within 45 days from the petitioner's joining his present place of posting at Secunderabad.

The Competent Authority of IRCTC shall afford the petitioner an opportunity to submit all medical documents pertaining to the petitioner's wife and if necessary a personal hearing for considering the petitioner's representation dated 10th July, 2021.

Nothing further remains to be adjudicated in the writ petition and the same is accordingly disposed of without any order as to costs.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

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

(Arindam Mukherjee, J.)

