

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 13634 of 2021

Pradeep Pradhan
Vs.
Union of India, Ministry of Home Affairs & Ors.

Mr. Lalratan Mandal
... For the petitioner

Mr. Partha Ghosh
Mr. Amal Kumar Datta
... For the Union of India

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

The petitioner is a constable in Border Security Force, (in short, "BSF"), having identity no.858770212. The petitioner was posted at Kolkata in January, 2016. The petitioner while serving at Kolkata is presently residing at Quarter No.484, KB Block, Salt Lake City, Kolkata – 700098, with his family. The petitioner has two children who are pursuing studies respectively with the Institute of Chartered Accountants of India at Kolkata and The West Bengal University of Teachers' Training, Education Planning and Administration, Kolkata. The petitioner has now been transferred to 117 BN BSF at Murshidabad, vide office order dated 6th May,

2021. The respondents admit that the petitioner has joined at his transferred place.

The petitioner says that on being transferred to Murshidabad, the petitioner will not be entitled to retain his quarter at Kolkata. The petitioner for the benefit of his children who are pursuing higher education at Kolkata wants to retain the said quarter at Kolkata. This is permissible, according to the petitioner, if the petitioner is posted in a place either outside West Bengal or in North-East Region or in ANO Battalion of Odisha.

After hearing the parties and considering the materials on record, I think justice will be sub-served if the petitioner's representation dated 14th December, 2020 for transferring him either to any place outside West Bengal or North-East region or in ANO Battalion of Odisha instead of Murshidabad so that his quarter can be retained, be considered by the Competent Authority and disposed of within a timeframe. I am told by the respondents that the Competent Authority for considering the petitioner's representation is ADG (EC), having his office at 2B, Lord Sinha Road, Kolkata.

In the aforesaid facts and circumstances, I direct the ADG (EC), having his office at 2B, Lord Sinha Road, Kolkata, to dispose of the petitioner's representation dated 14th December, 2020 appearing at page 23 of the writ petition within a period of twelve weeks from date.

The petitioner shall serve a copy of the writ petition along with the instant order within seven days to the ADG (EC), having his office at 2B, Lord Sinha Road, Kolkata. The said ADG (EC), shall pass a reasoned order after considering the petitioner's representation by affording the petitioner an opportunity of hearing, following the prevailing Covid-19 protocol.

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.

Parties including the said ADG (EC), having his office at 2B Lord Sinha Road, Kolkata, shall act on a server copy of this order without insisting upon a certified copy thereof.

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

(Arindam Mukherjee, J.)