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

WPA 17380 of 2021

Jayanta Kumar Banik
Vs.
Union of India & Ors.

Mr. Ujjal Kumar Ray
.... For the petitioner.

Mr. Anirban Mitra
... For Union of India.

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

In this matter the petitioner has challenged the impugned order of transfer dated 18th March, 2020 as well as the impugned order dated 13th October, 2021, being annexure P-5 to the writ petition on the ground that against the impugned order of transfer, petitioner had made a representation on 8th January, 2021, as appears at page 29 of the writ petition, which was rejected by the respondent authority concerned by his order dated 13th October, 2021, which according to the petitioner is non-speaking order since the said order of rejection of the representation does not deal with the contentions raised by the petitioner in his aforesaid representation dated 8th January, 2021 and particularly non-considering the criteria/guidelines contained in Circular No.22 of 2017

dated 25th September, 2017.

Considering the submissions of the parties and on perusal of the aforesaid impugned order dated 13th October, 2021, I am of the considered opinion that the aforesaid impugned order dated 13th October, 2021 is non-speaking order and it does not deal with the contentions raised by the petitioner in his aforesaid representation and also it lacks appropriate consideration of the aforesaid Circular No.22 of 2017 dated 25th September, 2017.

Considering the submissions of the parties, the impugned order dated 13th October, 2021 is set aside with a direction upon the Director General, CISF, New Delhi, being the respondent no.2, to consider afresh the aforesaid representation dated 8th January, 2021 in accordance with law particularly taking into consideration the guidelines contained in Circular No.22 of 2017 dated 25th September, 2017 relating to transfer of the employees and to pass a reasoned and speaking order after giving an opportunity of hearing to the petitioner or his authorized representative within two weeks from the date of communication of this order and to communicate his decision to the petitioner within one week thereafter. It is recorded that this Court has not gone into the merit of the aforesaid representation and the respondent authority concerned will act strictly in accordance with law. Till the

disposal of the aforesaid representation dated 8th January, 2021, the impugned order of transfer dated 18th March, 2020 will be kept in abeyance.

This writ petition, being WPA 17380 of 2021 is disposed of accordingly.

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

(Md. Nizamuddin, J.)