

18-03-2021
ct no. 13
Sl.23
sp

WPA 26428 of 2013
With
CAN 8917 of 2019
Arun Kumar Sanyal
-Versus-
Union of India & Ors.
(Via Video Conference)

Mr. K.K. Bhattacharya,
Mr. Janardan Mondal

...for the petitioner

Mr. Swapan Kr. Nandi

...for the UOI

CAN 8917 of 2019 has been filed by the BSF seeking early hearing since they have been suffering interim order since 09.09.2013.

The brief facts of the instant case are that the petitioner has a disabled daughter of 12 years and a son of 7 years. The daughter was afflicted with 100% hearing and speaking disability and the son was with 85% of the same disability.

The petitioner was transferred from SHQ Kolkata to 30th Battalion, BSF, South Bengal Establishment Section at Shillong. The petitioner applied for special consideration and exemption from transfer in terms of the Circular of the Ministry of Personnel Public Grievances and Pension (Department of Personnel & Training) dated February 18, 2000.

Upon being declined, the writ application was moved. By an interim order dated September

9, 2013, a Co-ordinate Bench of this Court had stayed the order of transfer and stay was confirmed on October 7, 2013 until further orders.

This Court notes that the writ petitioner has enjoyed the interim order for 8 years now. His children are 21 and 15 years as on date.

Since the petitioner has enjoyed continuous and uninterrupted service at Kolkata, he is now liable to undergo transfer. The benefit of the Circular dated February 18, 2000, cannot be given in perpetuity to any employee of the BSF.

In view of the above, the interim orders of stay of transfer shall stand vacated. The respondent authorities may consider posting the petitioner at any place of their choice. However, the petitioner's request posting anywhere in Bengal may be considered by the respondents subject to their administrative requirements and convenience.

With the aforesaid observations, the instant writ petition is disposed of.

There shall be no order as to costs.

In view of the above, CAN 8917 of 2019 is also disposed of.

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

(Rajasekhar Mantha, J.)

