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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5393 of 2021**

Birendra Kumar Pattanayak S/o Shri Pitambar Pattanayak, Aged About 47 Years, R/o Khandapada, Panichhatra, Khandapada, Baleswar, Panichhatra, District Panichhatra, Odisha

---- Petitioner**Versus**

1. Union Of India, Ministry Of Home Affairs Through Directorate General, Central Reserve Police Force, Block No. 01, C. G. O. Complex, Lodhi Road, New Delhi 110003
2. Inspector General /Director (Medical), Directorate General (Medical Branch) Central Reserve Police Force, East Block-07, Level-01, Sector-01, R. K. Puram, New Delhi 110003
3. Deputy Director (Medical), Directorate General (Medical Branch) Central Reserve Police Force, East Block-07, Level-01, Sector-01, R. K. Puram, New Delhi 110003
4. Commandant 196 Battalion, Central Reserve Police Force, Mahadev Ghati, Bijapur, Chhattisgarh
5. Senior Medical Officer 196 Battalion, Central Reserve Police Force, Mahadev Ghati, Bijapur, Chhattisgarh
6. Commandant 218 Battalion, Central Reserve Police Force, Through Deputy Director (Medical Branch) Directorate General (Medical Branch) Central Reserve Police Force, East Block-07, Level-01, Sector-01, R. K. Puram New Delhi 110003
7. Deputy Inspector General Of Police, Central Reserve Police Force, Group Center, Sambalpur, Odisha
8. Supriya Kumar Nayak, Working As ASI Pharmacist, 008 Battalion, Muniguda, Rayagada District, Odisha

---- Respondents

For Petitioner : Mr. Vivek Kumar Agrawal with Mr. Aman Tamboli, Advocates

For Respondents : Mr. Amit Banerjee, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

01.10.2021

1. Aggrieved by the impugned order Annexure P-1 the present writ petition has been filed. Vide the impugned order the respondents have cancelled the earlier transfer order of petitioner made by the department on 30.07.2021 and have now transferred the petitioner to a different location i.e. from Battalion no.196 to Battalion No. 127.
2. The contention of petitioner is that he is a person who falls under the low medical category and based upon which the petitioner had made a request for being posted at Sambalpur. The respondent authorities vide order dated 30.07.2021 accepted the request of petitioner and had proposed to transfer him from Battalion No.196 to Group Center, Sambalpur. The the petitioner had an order of transfer in his favour dated 30.07.2021 but for reasons best known, the petitioner could not be relieved and the impugned order now has been passed whereby the earlier transfer order pertaining to petitioner dated 30.07.2021 stands cancelled and the petitioner has now been shifted to a new unit i.e. Battalion No.127.
3. Learned counsel for petitioner submits that on account of his being a member of low medical category, the petitioner had already made a request for considering his transfer to a place of option that he has given which was firstly accepted by the department and subsequently it was cancelled. Therefore, if the respondents are not able to accommodate the petitioner at Sambalpur, they may consider the transfer of petitioner to the other two locations which he has

requested for on account of his being a member of low medical category.

4. A plain reading of Annexure P-1 seems to be an order passed by the respondents pursuant to large number of representations/objections received from police personnel who were getting affected by the earlier order of transfer dated 30.07.2021. Under the circumstances, the same cannot be said to be bad in law or arbitrary in any manner as there is sufficient administrative exigency available and provided by the department for the purposes of issuance of the impugned order which also deals with the case of petitioner.
5. The petitioner, therefore, now is left with the only recourse of approaching the respondent authorities by way of a fresh representation ventilating his grievances seeking for his transfer to a different location for the reasons mentioned in his representation and also on the ground of his belonging to the low medical category. If such representation is made by the petitioner, the respondent authorities are expected to take a decision on the same, on its own merits, in accordance with the administrative exigency that would be there and also as per the rules and regulations and the provisions of the standing orders governing the field at the earliest.
6. The writ petition accordingly stands disposed of.

**Sd/-
(P. Sam Koshy)
Judge**