

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5785 of 2022**

Niraj Kumar Singh Son of Late Bharat Prasad Singh Resident of 142, C.D.A. Colony, North Shastri Nagar, P.S.- Shastri Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Home Affairs, Government of India, New Delhi.
2. The Director General, Central Industrial Security Force (C.I.S.F.), Block-13, CGOs Complex, Lodhi Road, New Delhi 110003.
3. The Director Medical, C.I.S.F. (Headquarters), Block- 13, CGOs Complex, Lodhi Road, New Delhi 110003.
4. The Additional Director General (Headquarters), C.I.S.F., Block-13, CGOs Complex, Lodhi Road, New Delhi 110003.
5. The Inspector General (Personnel), C.I.S.F., Block-13, CGOs Complex, Lodhi Road, New Delhi 110003.
6. The Assistant Inspector General, Establishment, Block-13, CGOs Complex, Lodhi Road, New Delhi 110003.
7. The Assistant Inspector General, Airport Sector, C.I.S.F. Airport Sector (Headquarters), Mahipalpur, New Delhi- 110037.
8. The Inspector General, C.I.S.F. Eastern Sector (Headquarters), Ranchi.
9. The Commandant C.I.S.F., Office of Group Commandant, C.I.S.F. Group Headquarters, Patna.

... .. Respondent/s

**Appearance :**

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| For the Petitioner/s | : | Mr. P.N. Shahi, Sr. Advocate<br>Mr. Shivam, Advocate                                                                                      |
| For the Respondent/s | : | Dr. Krishna Nandan Singh, Sr. Advocate (ASGI)<br>Mr. Manoj Kumar Singh, CGC<br>Mr. Amarjeet, Adv.<br>Mr. Devansh Shankar Singh, JC to ASG |

**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**  
**and**  
**HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)**

2      27-04-2022                      Heard learned counsel for the parties.

In the instant petition, the petitioner has prayed for the  
following reliefs:-



“(i) For setting aside Service Order No.204/2022 dated 28.03.2022 (as contained in Annexure-13) regarding 38<sup>th</sup> Inter Sector Transfers-2022 of S.I./Steno insofar as the same relates to the petitioner whereby and whereunder the petitioner who was working in Group Headquarters, Patna in Eastern Sector has been transferred to Airport Sector (APS) without adhering to the guidelines relating to C.I.S.F. personnel whose children are suffering from mental retardation and/or with other similar serious problems.

(ii) For quashing the consequential Airport Sector Headquarter Service Order No.87/2022 dated 9<sup>th</sup> April, 2022 (as contained in Annexure-15) whereby and whereunder after being earmarked for posting in Airport Sector vide order dated 28.03.2022, the petitioner has been posted to A.S.G., Bangalore i.e. Bangalore Airport.

(iii) For commanding the respondents to take notice and decide the representations filed by the petitioner in not being relieved from Home Sector in view of the mental retardation of his son who is also suffering from other serious medical problems for which medical reports/disability certificates have been submitted by the petitioner and to decide the same in terms of the guidelines issued by the respondent authorities themselves.

(iv) For grant of any other incidental/consequential or other appropriate relief/reliefs to which the petitioner may be



found entitled in the facts and circumstances of the case fully enumerated hereinbelow.”

*Prima facie*, the present petition is premature for the reason that the petitioner’s grievance is pending consideration before the competent authority in particularly the representation against the order of transfer and it is in terms of the guidelines read with the order of transfer where aggrieved person is permitted to prefer a representation.

Learned counsel for the petitioner submitted that the petitioner’s son is mentally retarded, therefore, petitioner has certain relaxation under the Circular no.22 of 2017 (Annexure-3) relating to guidelines for posting and transfer of CISF Personnel (NGOs-Constables, Head Constables, Assistant Sub-Inspectors, Sub-Inspectors and Inspectors) in various sectors of CISF. Clause 39 (iii) provides for posting of NGOs having mentally retarded or physically handicapped children so also Clause (iv). In other words some relaxation is provided and certain yardstick is required to be taken note of by the transferring authority. Perusal of the transfer order it is clear that the grievance of the petitioner was required to be taken note of in terms of the earlier decision when the petitioner was transferred from Odisha to Patna. Now the petitioner has



submitted a representation before the competent authority in terms of Annexure-16 dated 10.04.2022. The competent authority has not yet taken any decision either accepting or rejecting. In fact the petitioner has sought for alternative place of his choice like Jharkhand. In the guidelines, the competent authority may also take note of whether the petitioner could be considered to be posted in Jharkhand or not or any other nearby places where there is vacancy.

The competent authority is hereby directed to take note of the petitioner's each of the contention stated in the representation dated 10.04.2022 (Annexure-16) read with the relevant guidelines and pass a speaking order within a period of two months from the date of receipt of this order.

Till decision is taken on the petitioner's representation, petitioner shall not be displaced from the present post and place.

With the above observation, writ petition stands disposed of.

**(P. B. Bajanthri, J)**

**(Rajeev Ranjan Prasad, J)**

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