

27
11.03.2022
Court No. 23
d.g.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 3735 of 2022

Tapas Bhowmik
Vs.
Union of India & Ors.

Mr. Soumya Majumder,
Ms. Sanjukta Dutta.

... for the petitioner

Ms. Susmita Saha Dutta.

... for the respondents

The petitioner is a Head Constable in Railway Protection Force (in short "R.P.F.") and was lastly posted at Belur Scrapyard, (BESY), RPF Howrah. In fact, the posting at Belur Scrapyard was pursuant to an order dated 21st May, 2018 passed in a writ petition being WP 6919 (W) of 2018 filed by the petitioner. The petitioner has now been transferred by dint of a transfer order dated 24th May, 2021 to MLDT (Malda Division) and is posted at Bhagalpur. The said transfer order at the request of the petitioner has been kept in abeyance till 31st March, 2022. The petitioner has challenged the transfer order by filing this writ petition on 1st March, 2022 just prior to the revival of the transfer order. Transfer orders are ordinarily not interfered with mainly because it pertains to smooth administration which fall within the domain of the employer.

After hearing the parties and considering the materials on record, I find that there is no scope of

passing any interim order. According to me, justice will be sub-served if I direct the respondent no. 2 who consider the petitioner's representation dated 14th February, 2022 by passing a reasoned order within 31st March, 2022 after affording the petitioner a reasonable opportunity of hearing.

The petitioner shall also cooperate in having the representation considered and disposed of by 31st March, 2022 as the petitioner's transfer order is kept in abeyance in 31st March, 2022 on his request.

The parties, including the respondent no. 2 shall act on the basis of a server copy of this order without insisting upon production of a certified copy thereof. It is made clear that I have not gone into the merits of the matter and the Authority concerned shall be free to take an independent decision without being influenced by this order.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

Since I have not called for any affidavit, allegations made in the writ petition are deemed to have not been admitted by the respondents.

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

(Arindam Mukherjee, J.)