

**17.05.2022**  
**Sl. No.34**  
(PP)

IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE

**WPA 3814 of 2022**

**Smt. Bithika Chowdhury**  
**Vs.**  
**Union of India & Ors.**

Mr. Bikram Banerjee,  
Mr. Anath Nath Naskar,  
Mr. Arkadeb Biswas

....for the petitioner.

Mr. Subrata Roy

....for Union of India.

By an order dated 15<sup>th</sup> Mach, 2022, the petitioner was sent for a medical examination at B. R. Singh Hospital, Kolkata to ascertain her health condition since she had challenged a transfer order on health reason. B. R. Singh Hospital has submitted its report, a copy whereof was circulated amongst the parties.

After going through the report it is seen that the petitioner has been found fit to join duty with psychotropic drugs and as per PARA 574 of IRMM 2000 Vol-1, she should not be allowed to handle arms and firearms. She should be get reviewed in IOP/SSKM at earliest for further treatment.

Considering the report, I had directed the respondents to consider the petitioner's case for giving her duties at Asansol, being the transferred

place which do not require handling arms and firearms.

The Senior Divisional Security Commissioner/ RPF, Eastern Railway/Asansol by a letter dated 6<sup>th</sup> May, 2022 has instructed the advocate representing the respondents that there are many duties which are of sedentary nature, like Telephone attending duties, duties in Security Control Room, CCTV monitoring duties, duties in Divisional Store, office duties etc.

The petitioner is directed to join at Asansol Division of the Eastern Railway within 31<sup>st</sup> May, 2022.

The respondents are directed to allot duties to the petitioner where she is not required to handle arms and firearms.

The arrears of salary, if any, unpaid emoluments and other benefits of the petitioner during her absence from duty and her failure to join at the transferred post for health reason shall be considered by the respondents in accordance with the service rules applicable to the petitioner. Since the petitioner has health issues as reflected in the report filed by B. R. Singh Hospital any absence from service in the case of the petitioner should be considered sympathetically with utmost leniency.

The respondents shall give reasons for not allowing any benefit to the petitioner or for any action suggested against her during her absence or for failure to join at the transferred post at Asansol for health reasons.

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

Parties shall act on the basis of a server copy of this order without insisting upon production of a certified copy thereof.

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

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

**(Arindam Mukherjee, J.)**