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15.03.2022
Court No. 23
d.g.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 4058 of 2022

Sudip Pal
Vs.
Union of India & Ors.

Mr. Meghnad Dutta,
Mr. Lalratan Mandal,
Ms. Maitreye Banerjee.

... for the petitioner

Mr. Debapriya Gupta.

... for the respondents

Affidavit-of-service filed in Court today is taken on record.

The petitioner is a Head Constable in Border Security Force (in short "B.S.F.") and is presently posted in 160 Bn of BSF at Malkangiri, Odisha. The petitioner is seeking transfer from his present posting to a Static Head Quarter in Kolkata like the Special DG Head Quarter (East), BSF etc.

Although on behalf of the respondent, it is submitted that one of the premise on which transfer is sought for does not exist at the moment as the petitioner's mother has expired in the meantime and that the petitioner had served in Static Head Quarter for several years, yet if the Court directs the petitioner's prayer for transfer can be considered within a time frame.

However, keeping in view, that a representation made by an employee to the employer requires to be considered and disposed of. I direct the respondent no. 2 to give the petitioner a personal hearing to consider his

prayer for transfer only and no other issues, within a period of four months from date and pass a reasoned order dealing with the grounds that may be raised by the petitioner in support of his transfer. The order to be passed shall be communicated within fifteen days from the date of passing of this order to the petitioner.

It is made clear I have not gone into the merits of this order and the respondent no. 2 shall be free to decide on the grounds that may be cited by the petitioner in support of his transfer independently.

The respondent no. 2 shall be free to come to an independent conclusion without being influenced in any manner by this order since I have not gone into the merits.

All 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.

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.)