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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 8074 of 2022

Bhagwan Mishra
Vs.
Union of India & Ors.

Mr. K. B. S. Mahapatra,
Ms. Rama Halder
... For the petitioner.

Mr. Niladri Saha
... For Union of India.

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

The matter was mentioned upon notice to be taken out of turn citing urgency. The matter is, therefore, taken up out of turn.

The petitioner is employed in Central Industrial Security Force (in short, CISF) and presently posted in the unit deployed at India Government Mint at Alipore, Kolkata. The petitioner on receiving an information of having been transferred to Shriharikota in South Zone made a representation on 29th March, 2022 for reconsideration of his transfer order. The petitioner's request for deferment of posting for one year has been considered and regretted by FHQ, New Delhi by a letter dated 28th April, 2022. This document appears at page 20 of the writ petition.

The petitioner has prayed for a mandatory order to

quash and/or set aside the communication dated 28th April, 2022. No such relief can be granted in the facts of the case.

The transfer policy in an organization is in the domain of the employer. The Courts are loath to interfere with a transfer order and/or policy unless it is patently apparent that the employee concerned has been victimized while being transferred. Nothing of that sort has been demonstrated before this Court. The only ground for which the petitioner seeks deferment of the transfer order is that his only daughter is pursuing B. Com, (Final Year) in a College at Kolkata and the petitioner is the sole person to look after her. The ground cited may be a practical difficulty, which requires sympathetic consideration. However, such ground does not require interference by the Court as prayed for by the petitioner.

The writ petition is disposed of by allowing the writ petitioner to make an appeal before the higher authority to reconsider the rejection communicated by a memo dated 28th April, 2022.

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

(Arindam Mukherjee, J.)