

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 8109 of 2022

Soma Sen Biswas
Vs.
Food Corporation of India & Ors.

Ms. Papiya Chattopadhyay
... For the petitioner

The matter is taken out of turn on being mentioned upon notice citing urgency.

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

The respondents remain unrepresented.

The petitioner is an employee of Food Corporation of India (in short "FCI"). The petitioner has been promoted from the post of Assistant Grade –I (Technical) to Manager (Technical) by an order dated 18th April, 2022 and has been asked to join at the promoted post at Odisha. The petitioner says that by the said transfer order, the petitioner has to join at Odisha at her promoted post within 30 days from the date of issuance of the said order dated 18th April, 2022. The petitioner says that she has a child of three years and her husband is also working at Ishapore Rifle Factory, North 24-Parganas, West Bengal. The petitioner also cites a Circular dated 22nd March, 2021,

bearing No.EP-03-2021-06, issued by FCI, being a Comprehensive Transfer Policy Guidelines. Referring to clause 11.2(d), the petitioner says that her husband, being an employee in a Public Sector Undertaking, is entitled to have her transfer order in Odisha reconsidered. The petitioner further says that she had made several representations to her employer, the first of which is dated 19th April, 2022 and the last one is dated 24th April, 2022. Despite such representations, the petitioner's case has not been considered.

The transfer policy is in the domain left out to the employer since the same relates to smooth administration of an organisation. The interference by Court to a transfer order is in a limited scope. The petitioner's case does not attract any of the grounds in which a transfer order can be interfered with by the Court. Moreover, the transfer is on promotion.

However, I think justice will be sub-served if I direct the respondent no.2, being the Executive Director, East Zone, FCI, to consider and dispose of the petitioner's representations before expiry of 30 days from the date of issuance of the order dated 18th April, 2022 by a reasoned order after affording the petitioner an opportunity to represent.

Although the respondents remain unrepresented despite service, but for the nature of order and the time period left under the promotion and transfer order dated

18th April, 2022, persuade me to pass this order even in the absence of the respondents. This order will also not affect any immediate interest of the respondents.

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.

The petitioner shall serve a copy of this order along with a copy of the writ petition to the respondents immediately.

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 affidavits, 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.)