

07.
06.12.2022
S.D.

W.P.A. 25600 of 2022

Kishanu Mahato
Vs.
Union of India & Ors.

Md. Mokaram Hossain
Mr. Sandipan Maity

... For the Petitioner

Mr. Atarup Banerjee
Ms. Ashima Roychowdhury

...For the U.O.I.

The petitioner claims to be working as MATE in the Military Engineer Service (MES) at the office of the Garrison Engineer, Panagarh, Paschim Burdwan.

The petitioner made an application on July 1, 2016 for his posting/transfer on compassionate ground from Panagarh to Kalaikunda which is nearer to his home town. The petitioner's father suffered from cerebral stroke and, therefore, the petitioner was under an obligation to take care of his ailing father. Such was the reason for which the petitioner prayed for transfer.

The application for transfer on compassionate ground was considered by the Commander Works Engineer (in short, "CWE") and a recommendation was made on January 5, 2018 whereby the petitioner was recommended to be posted from

Panagarh to Kalaikunda and another person of the same designation was recommended to be posted from Kalaikunda to Panagarh.

The petitioner's grievance is that despite such recommendation, the petitioner's transfer was not effected. The petitioner made a representation on October 22, 2020. Such representation was not replied to by the authorities concerned.

Mr. Hossain, learned counsel appearing on behalf of the petitioner submits that the recommendation of the CWE should have been considered. It is pending since January 2018. Based on the recommendation of the CWE, the petitioner should have been posted to Kalaikunda.

Mr. Banerjee, learned counsel appearing on behalf of the respondent submits that the transfers on compassionate ground are only effected in January and July of every year. It was informed to the petitioner on October 11, 2017 by the Central Public Information Officer [in short, "CPIO"(Pers)], Right to Information Cell that in the event, the headquarter received the application of the petitioner for transfer before January 2018, it will be considered. It is stated that no application/recommendation for transfer has been received by the headquarter on behalf of the petitioner till date.

Having considered the rival submissions of the parties and the materials placed on record, this Court directs the respondent no. 5/any other authorities concerned to consider the recommendation dated January 5, 2018 of the CWE for the posting of the petitioner from Panagarh to Kalaikunda within six weeks from date. A reasoned decision will be communicated to the petitioner within two weeks of arriving thereat.

With the directions aforesaid, **W.P.A. 25600 of 2022** is **disposed of**.

Since no affidavits have been directed to exchanged in the present writ petition, all the allegations contained therein are deemed not to have been admitted.

All parties shall act on the server copy of this order duly downloaded from the **website** of this Court.

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

(Lapita Banerji, J.)