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20.12.2022
(sanjay)
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 27679 of 2022

Shashikant Thakur
Vs.
The Union of India & Ors.

Mr. Kazi Safiullah for the petitioner.

Affidavit of service filed in Court today be retained
with the records.

The petitioner is working as Second-in-
Commandant in the Assam Rifles Transit Camp, Kolkata.

The petitioner was recruited on July 30, 1987. The
petitioner is due to be superannuated from December
2025. By a transfer order dated November 29, 2022 the
petitioner has been posted from the Transit Camp,
Kolkata to 34 AR, which is Wussan in the district of
Gandarbal in Jammu & Kashmir.

The petitioner has prayed for consideration of his
representation but the same has not been done
favourably. The petitioner's grievance is that the
recommendations were made by the Brigadier
(Administration), Director General of Assam Rifles, Head
Quarters, and also by the Commandant, on October 4,
2022 in his favour but the said recommendations were
not considered while passing the order of transfer dated
November 29, 2022.

Mr. Safiullah, learned counsel appearing for the petitioner draws the attention of this Court to the policy posting of Assam Rifles Cadre Officers dated March 29, 2015. He submits that the tenure in formation headquarters would be of 2 years and further extendable by a period of 6 months at the discretion of the Director General Assam Rifles. Furthermore, under clause 8 of the said Policy Posting the petitioner is entitled to make request for one compassionate posting. In the event, one prayer is made the said is likely to be considered favourably. The petitioner has never made any prayer for compassionate posting. At the verge of his retirement in December, 2025 the petitioner is now being sought to be transferred to a frigid zone in Kashmir.

Despite the service none appears on behalf of the respondent authorities.

Having considered the submissions made on behalf of the petitioner and the materials placed on record, this Court directs the representation dated September 5, 2022 to be considered by the respondent no.3/ Director General, Assam Rifles in the light of the policies regarding posting as stipulated in clause 5 (b) and clause 8 thereof.

Let the representation of the petitioner be considered within six weeks from date upon giving personal hearing to the petitioner, if necessary. Let a reasoned order be passed and communicated to the

petitioner within two weeks of passing thereof.

In the peculiar facts and circumstances of the case, the transfer order dated November 29, 2022 is kept in abeyance till such time the reasoned order is passed and communicated to the petitioner.

With the aforesaid directions, the writ petition, being **WPA 27679 of 2022**, is **disposed of**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Lapita Banerji, J.)