

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9474 of 2022

Ramesh Chandra Panda

.... Petitioner
Mr.S.B.Jena, Advocate

-versus-

Union of India and others

.... Opposite Parties
Mr.P.K.Parhi, A.S.G.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

19.04.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Assistant Solicitor General.
3. The present writ application has been filed by the Petitioner challenging the order of transfer dated 09.04.2022 under Annexure-6 and he has prayed for quashing of the said transfer order as the same is contrary to the guidelines for transfer, prepared by the CISF.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner is working as Constable under CISF and at present posted at CISF Unit-PPT, Paradip since 19.06.2021. Prior to the present posting, the Petitioner was serving outside the State of Odisha up to 03.01.2016 from the date of his initial appointment i.e. 22.07.2019. Therefore, learned counsel for the Petitioner submits that the Petitioner has already served under the CISF more than six years out of his home sector. Accordingly he is entitled to get home sector posting as per the guidelines. He further submits that as per Sl.No.25

of the guideline the petitioner should not have been transferred at least for a period of three years. Learned counsel for the Petitioner further draws the attention of the Court to the difficulties faced by the Petitioner at the moment which has been indicated in Paragraphs-9 and 10 of the writ application. In paragraph-9 of the writ application, it is submitted that the Petitioner had undergone a surgery on 11.08.2021 and it is stated that both the kidney of the Petitioner are affected with multiple stone and is now under the treatment of Doctors at Cuttack. In Paragraph-10 of the writ application it is submitted that the son of the Petitioner, who is aged about 6 years now going to study in Class-I. Therefore, the impugned transfer order would cause hardship to the entire family of the Petitioner. Accordingly learned counsel for the Petitioner prays to consider the case of the Petitioner sympathetically.

5. Mr.P.K.Parhi, learned Assistant Solicitor General on the other hand submits that the Petitioner is not entitled to the benefit under the guidelines as the outside stay is fall short of limitation provided in the guidelines. He further submits that the CISF has followed the guidelines which is transparent and applicable to all. He further submits that as per the guidelines, the Petitioner has to only approach the authority, who shall consider the same in accordance with law.

6. At this juncture, learned counsel for the Petitioner submits that he has already submitted a representation under Annexure-5 as provided under Annexure-6 and the same is pending for consideration. He further submits that no decision has been taken on the representation of the Petitioner by the authority.

7. Considering the aforesaid submissions and keeping in view the guidelines which has been followed by the CISF, this Court disposes of the writ application at the stage of admission directing the Opposite Party No.2 to consider the representation of the Petitioner

within a period of four weeks from today and shall dispose of the representation by passing a speaking and reasoned order keeping in view the guidelines of the CISF as well as the grounds taken by the Petitioner. It is further directed that the decision so taken shall be communicated to the Petitioner within 10 days thereafter. It is further directed that till a decision is taken on the representation of the Petitioner, the transfer order under Annexure-6 so far as it relates to the Petitioner shall not be given effect to.

8. With the aforesaid observation, the writ application stands disposed of.

9. Issue urgent certified copy of this order as per Rules.

RKS

