

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 14056 OF 2022

Dusmanta Kumar Nayak

....

Petitioner

Mr. Agasti Kanungo, Advocate

-versus-

Union of India and others

....

Opp. Parties

Mr. P.K. Parhi,

Assistant Solicitor General

along with Mr. Jateswar Nayak,

Central Government Counsel

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

10.06.2022

Order No.

01. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition prays for a direction to set aside the order dated 27th April, 2022 (Annexure-6) passed by the Director General, Central Industrial Security Force, New Delhi-Opposite Party No.2 rejecting his representation filed pursuant to the direction of this Court vide order dated 29th April, 2022 passed in W.P.(C) No. 10439 of 2022.
3. Mr. Kanungo, learned counsel for the Petitioner submits that the Petitioner's daughter is studying in Class-IX and her compulsory subject is Odiya which is not available in place of the transfer. He, therefore, made a prayer by filing an application to defer his transfer for a period of one year, which has been rejected. Deferment of the transfer is permissible in case the ward of the CISF personnel is studying in Class-X/XII. Since the daughter of the Petitioner is not studying in Class-X/XII, the representation of the Petitioner was rejected. It is his

submission that he is not praying for quashing of the order of transfer, but wants a deferment of the same to save the academic career of his daughter. He, therefore, prays for setting aside the order under Annexure-2 and to defer the order of transfer for a period of one year.

4. Mr. Parhi, learned Assistant Solicitor General appearing for the Union of India submits that pursuant to the direction of this Court in W.P.(C) No.10439 of 2022, prayer of the Petitioner was thoroughly considered and the impugned order under Annexure-2 has been passed strictly following the guidelines of the transfer. He, therefore, prays for dismissal of the writ petition.

5. Taking into consideration the rival contentions of the parties and the fact that the daughter of the Petitioner is studying in Class-IX and has a compulsory subject of Odiya, and the Petitioner has already been relived in the meantime, this Court disposes of this writ petition with an observation that in the event, the Petitioner makes an application for any residential accommodation for his family at Rourkela, the same may be considered expeditiously taking into consideration the facts and circumstances of the case.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Vacation Judge