

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.31553 of 2022

Basanta Kumar Das

....

Petitioner

Ms. B.K. Pattanaik, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. T.K. Pattnaik, ASC

**CORAM:
JUSTICE A.K. MOHAPATRA**

**ORDER
23.11.2022**

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard the learned counsel for the Petitioner and the learned Additional Standing Counsel appearing for the State-Opposite Parties.
3. This writ petition has been filed by the Petitioner challenging the order of transfer dated 19.11.2022 passed by the Opposite Party No.3-Superintendent of Police, Bhadrak under Annexure-4 to the writ petition.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner is a Band Constable and he has been posted at Regional Office, Bhadrak. It is further submitted that there is no provision to transfer Band Constables to the Police Stations. Therefore, the order passed by the Opposite Party No.3-Superintendent of Police, Bhadrak under Annexure-4 to the writ petition is unsustainable in the eye of law.
5. Learned Additional Standing Counsel appearing for the State-Opposite Parties, on the other hand, submits that since the transfer is an incident of service, the Petitioner should not object the order of transfer which has been passed by the competent authority. Therefore, it is submitted that the writ petition filed by the Petitioner is devoid of merit

and, as such, the same shall be dismissed at the threshold.

6. Considering the submission of the learned counsel for the respective parties, it does not appear to the conscience of this Court that the Band Constable has any role in the police station. Accordingly, the Petitioner is directed to approach the Opposite Party No.2-D.G. & I.G. of Police, Odisha, Cuttack by filing a detailed representation taking all the grounds along with supporting documents within a period of one week from today and in the event of such representation is filed before the Opposite Party No.2, the Opposite Party No.2 shall do well to consider and dispose of the same in accordance with law by passing a speaking and reasoned order within a period of four weeks from the date of filing of such representation and the decision thereof so taken shall be communicated to the Petitioner immediately. Till the decision is taken on the representation of the Petitioner, the order of transfer dated 19.11.2022 issued by the Opposite Party No.3-Superintendent of Police, Bhadrak under Annexure-4 to the writ petition, in respect of Petitioner, shall not be given effect to.

7. With the aforesaid observation and direction, this writ petition is disposed of.

8. Urgent certified copy of this order be granted on proper application in course of the day.

(A.K. Mohapatra)
Judge