

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 10129 OF 2022

Anil Kumar Sharma	}	Petitioner
Versus		
Union of India and Ors.	}	Respondents

Mr. P. B. Gujar for the petitioner.

Mr. Aniruddha A. Garge for respondent no. 1 (UoI).

**CORAM: DIPANKAR DATTA, CJ. &
M. S. KARNIK, J.**

DATE: AUGUST 23, 2022

P.C.:

1. The petitioner is a member of the Central Railway Police Force (CRPF).

2. Upon his transfer from Pune to Pallipuram, Trivandrum by an order dated 21st July 2022, the petitioner had raised an objection in a representation dated 25th July 2022. Several grounds were raised for recall of the order of transfer. Such representation has been rejected by an order dated 10th August 2022. Aggrieved thereby, the petitioner has approached this Court claiming, *inter alia*, the following relief:

"a) By a Writ of Mandamus or Writ in the nature of Mandamus or any other appropriate Writ/Order or direction of this Hon'ble Court the impugned Order of Transfer dated 21/07/2022, Order No. 01/2022-PER-DTE-P3DA7-PER-DGH from Pune to Pallipuram, Trivendram be quashed and set aside.

b) By a Writ of Mandamus or Writ in the nature of Mandamus or any other appropriate Writ/Order or direction of this Hon'ble Court the impugned Order dated 10/08/2022 passed in Summer Chain Transfer 2022 Representation be quashed and set aside and the representation dated made by the Petitioner be allowed."

3. We have heard the learned advocates for the parties. We have also perused the impugned order dated 10th August 2022.

4. The order dated 10th August 2022 only records the conclusion of the competent authority that the petitioner's representation is devoid of merit. However, the reason as to why the concerned officer was of such a view has not been indicated in the impugned order. The grounds raised by the petitioner ought to have been dealt with upon proper application of mind. It is only on the ground that the impugned order is non-speaking and unreasoned that we are inclined to interfere.

5. In the result, the impugned order stands set aside. The competent authority is granted liberty to reconsider the petitioner's representation dated 25th July 2022 in accordance with law. Such reconsideration of the representation may be effected within a period of a fortnight from date.

6. For a period of a month from date, the petitioner's transfer to Pallipuram, Trivandrum shall not be given effect to. If the representation is not considered and disposed of within the time mentioned above, the order of disposal as and when passed, if adverse to the petitioner's interest, the transfer order shall not be acted upon for a further period of two

weeks.

7. With the aforesaid directions, the writ petition stands disposed of. No costs.

(M. S. KARNIK, J.)

(CHIEF JUSTICE)

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