

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1537 of 2022

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Pankaj Kumar Mishra Son of Sri Dinanath Mishra Permanent Resident of Village-Kumehri, Post Office-Durgaganj, P.S.-Kudra, District-katihar, Presently residing at Quarter no. C/11 Block New 82, Group Centre C.R.P.F. Mokamaghat, P.S.-Mokama, District-Patna.

... .. Petitioner/s

Versus

1. The Union of India through the Director general C.R.P.F. New Delhi.
2. The Director general C.R.P.F. Block No.1, Kendriya Karyalaya Parisar, Lodhi Road, New Delhi-03.
3. The Special Director General, C.R.P.F., central Zone, H.C. Block Sector-3 Salt Lake, Kolkata, West Bengal-700106.
4. The Inspector General C.R.P.F. Bihar Sector, Digha Complex, P.O.-Ashiana Nagar, Patna-800025.
5. The Deputy Inspector General, Group Centre, C.R.P.F. Mokamaghat, District-Patna-803303.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr O.P Maharaj, Advocate
For the Union Of India : Mr. Kanak Verma, C.G.C

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 27-09-2023 Heard learned counsel for the petitioner and learned counsel for the Union of India.

2. The petitioner is aggrieved by his transfer under the order dated 10.01.2022, as contained in the Annexure 3 to the writ application.

3. Learned counsel for the petitioner submits that the order of transfer (Annexure 3) is in contravention of the guideline 10 (e) as contained in the Transfer Policy of Ministerial/Stenographic/Official Language Cadre (for brevity



‘the Policy’) dated 29.12.2016, issued by the Directorate General of C.R.P.F (Annexure 5). Clause 10 (e) of the Policy reads as follows:-

“10. e) Except the cases mentioned in Para-7 C (a), (c), (d), (e) and (g), the total period of posting in a zone shall not be more than 18 years and 10 years in a sector except in Communication /RAF/ Training & CoBRA Sector including all choice posting, if availed. However, in case any unit of a particular Zone/Sector, is deployed out side the geographical limit of that Zone/Sector, tenure of officers/officials in such units will be counted towards the Zonal/Sector tenure under whose adm/operational jurisdiction said units are deployed. Inter Zonal/Sector transfer should be regulated in such a way that it coincide the station/place tenure.”

4. Referring to this provision, he submits that he has not completed ten years in the sector and, therefore, order of transfer (Annexure-3) is not in accordance with the Policy itself.

5. Plain reading of the Policy itself reveals that the Policy prescribes the maximum period for posting in a sector being 10 years. It is not that the Policy requires a person to be posted there for minimum period for ten years so as to form the premise for making any submissions that he can not be transferred before ten years. That apart the Court would also take into consideration the fact that such Policy regarding transfer does not confer any indefeasible rights in favour to



petitioner to challenge the transfer order. Every administrative guidelines issued with respect to transfer do not create such vested rights in favor of an employee. The issues has been decided by Hon’ble Apex Court in the case of *State of U.P. and others vs. Gobardhan Lal*, reported in *(2004)11 SCC 402*.

6. In the above circumstances, this courts finds that no case is made out to assail the transfer order relying upon the Policy.

7. The writ petition is dismissed and the Interlocutory Application stands disposed of.

(Madhuresh Prasad, J)

Mayank/Shyambihar

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