

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6955 of 2023

Om Prakash Paswan Son of Shivan Das, Resident of Village- Hasanchak, P.S.
Harnaut, Dist- Nalanda, Presently posted as Sub Inspector at CISF Unit,
NTPC, Barh.

... .. Petitioner

Versus

1. The Union of India through the Secretary, Ministry of Public Grievances and Pensions, Department of Personal and Training, North Block, New Delhi.
2. The Director General, C.I.S.F. Head Quarters, No. 13, CGOs Complex, Lodhi Road, New Delhi- 100003
3. The Inspector General, CISF Eastern Sector Headquarter, Ranchi.
4. The Assistant Inspector General, CISF Eastern Sector Headquarter, Ranchi.
5. The Group Commandant, CISF Group Head Quarters, Patna.
6. The Deputy Commandant, CISF Unit, NTPC, Barh, Patna.
7. The Inspector, CISF Unit, NTPC, Barh, Patna.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.Nityanand, Advocate Mr. Satish Kumar Sinha, Advocate
For the Respondent/s	:	Mr.Additional Solicitor General

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-05-2023 Heard learned counsel for the petitioner and learned
counsel for the Union of India.

The petitioner is aggrieved by and dissatisfied with
the following orders:

“(i) The order dated 27.04.2023, partially with respect
to the petitioner contained in Eastern Sector Service
Order No. 38/2023, issued by Assistant Inspector
General, CISF, Eastern Sector Headquarters, Ranchi,
by which the service of the petitioner has been
transferred along with 2357 employees and he is
posted in CISF Unit, KBUNL, Kanti, from
NTPC/BSTPT Barh, in which it is that 50% of



affected persons should be relieved on 15.05.2023 and 50% should be relieved on 31.05.2023. (Annexure-7 to the petition)

(ii) Order dated 21.04.2023, passed by Deputy Commandant, CISF Unit, NTPC, Barh, by which the prayer of the petitioner, made in representation dated 14.04.2023, to allow him to remain at CISF Unit, NTPC, Barh, on the basis of his medical ground, as well as, on the basis of the 100% disability with severe mental retardation of his child, has been refused. (Annexure-5 to the petition)

Learned counsel for the petitioner has drawn the attention of this Court towards the order dated 21.04.2023 to show that the said order has been passed by Deputy Commandant who was not competent to pass the order on the application of the petitioner seeking consideration from the competent authority on compassionate ground.

Learned counsel submits that on a bare perusal of Annexure '5', it would appear that the Deputy Commandant returned the application of the petitioner for request posting. In all fairness, he should have placed it or forwarded the same to the competent authority.

This Court finds substance in the submission of learned counsel for the petitioner. From a bare reading to Annexure '5', it appears that the application for request posting submitted by the petitioner has been returned with a note "*Being*



devoid of merit his case is not fit to forward to higher formation. Hence returned it.”

To this Court, it appears that the Deputy Commandant, on receipt of the application of the petitioner addressed to the competent authority, was obliged to forward the same to the competent authority and he should not have taken a decision on his own to return the application. The order as contained in Annexure ‘5’ is, therefore, set aside. It is directed to forward the application of the petitioner as contained in Annexure ‘4’ and Annexure ‘6’ to the writ application to the competent authority.

The Competent Authority shall take an appropriate decision on the representation of the petitioner within a period of six weeks from the date of receipt/production of a copy of this order. Till such decision is taken by the competent authority, the order of transfer of the petitioner shall not be given effect to.

This Writ Application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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