

21.03.2023
DL-97
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 12596 of 2022

**Subhas Chandra Ghosh
Vs.
Union of India & Ors.**

Ms. Sumita Shaw,
Mr. Soumen Chatterjee

....for the petitioner.

Mr. Atarup Banerjee

....for Union of India.

The petitioner is a Deputy Commandant with the Central Reserve Police Force (in short, "CRPF"). The petitioner's grievance is that within the period of two years prior to his date of retirement on August 31, 2024, the petitioner is sought to be transferred.

Ms. Shaw, learned counsel appearing on behalf of the petitioner submits that two years prior to his superannuation, the petitioner should get "*terminal posting*", which means the choice of posting would be with the officers/officials *retiring* within two years. The petitioner wishes to continue at Durgapur where he is currently posted. Durgapur is also his native place of residence.

Mr. Banerjee, learned counsel appears on behalf of the Union of India and submits that considering the date of superannuation of the petitioner and the health of the petitioner's wife it has been

recommended that the petitioner be transferred to Bhubaneswar from Durgapur. He further submits that the petitioner has been posted at Durgapur for more than three years.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that the petitioner as per the standing order no.02/2014 dated February 6, 2014 issued by the Director General , CRPF has a choice of terminal posting since he will be retiring within two years from date.

In the light of the above discussion, let the representation of the petitioner dated June 8, 2022 be considered by the Inspector General of Police (Personnel)/respondent no.4 or any other person delegated by him within four months from date.

Let a reasoned order be communicated to the petitioner within 2 weeks of passing of the same.

It is made clear that the transfer order dated June 7, 2022 be kept in abeyance till such time the reasoned order is passed and communicated to the petitioner.

With the directions aforesaid, **WPA 12596 of 2022 is disposed of.**

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Lapita Banerji, J.)