

15.
27.6.2023
S.D.

W.P.A. 14210 of 2023

Mrs. Rama Mondal
Vs.
Union of India service through the
Director General, CISF & Ors.

Ms. Debanwita Pramanik
Ms. Ananya Chakraborty

..For the Petitioner

Mr. D.N. Ray
Mr. Arijit Majumdar

...For the U.O.I.

The petitioner challenges transfer order dated May 23, 2023 issued by the office of the Deputy Inspector General, Central Security Force (CISF), Ministry of Home Affairs, Government of India. By the said transfer order, the petitioner has been posted from ASG, Kolkata to ASG, Bhubaneswar. Both the postings relate to Airport Sector Service.

Ms. Chakraborty, learned advocate appearing on behalf of the petitioner draws the attention of this Court to a Circular dated September 25, 2017 relating to the guidelines for posting/transfer of CISF Personnel. She refers to Clause 38 of the said Circular to contend that for the posting of married couple at the same station when one of the spouses is not in CISF, Government of India's policy on the subject shall be

followed *subject* to availability of vacancies. It would also be *subject* to administrative/operations needs of service.

Mr. Ray, learned counsel appears on behalf of the Union of India and submits that the petitioner has been posted in Kolkata for almost 6 years and cannot seek to remain in the city indefinitely. Transfer is an incident of service and the petitioner has to accept the conditions of service if she wants to continue with the same.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that the representation of the petitioner dated June 9, 2023 may be considered by the Director General, CISF Head Quarters/respondent no. 4 or any other authority delegated by him within a period of 8 weeks from date. A reasoned order shall be passed and be communicated to the petitioner within two weeks of passing thereof.

It is submitted on behalf of the petitioner that the petitioner has already joined the transferred place of posting.

In passing the reasoned order, the fact that the petitioner's son is only 6 years will be taken into consideration along with the guidelines for posting/transfer applicable to the CISF Personnel dated September 25, 2017.

With the directions aforesaid, **W.P.A. 14210 of 2023** is **disposed of**.

Since no affidavits have been directed to be exchanged in the present writ petition, all the allegations contained in the present writ petition are deemed not to have been admitted by the parties.

All parties shall act on the server copy of this order duly downloaded from the official **website** of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all the formalities.

(Lapita Banerji, J.)