

WPA 16091 of 2023

Sri Bijaya Kumar Sahoo
vs.
The Union of India & Ors.

Mr. Jatindra Barik

...for the petitioner

Mr. D.N. Ray

Ms. Debjeni Ghosal

...for the Union of India

The petitioner's grievance is that he has been posted from Syama Prasad Mookherjee Port, Kolkata to ASG, Bhubaneswar. The petitioner is working as a Head Constable with the Central Industrial Security Force (CISF). The petitioner's wife died on March 15, 2022. The petitioner has one son and one daughter.

The transfer order was dated March 12, 2023. The petitioner made a representation on April 26, 2023 for deferment of the new place of posting on two fold grounds:

- (a) the petitioner's daughter's marriage was scheduled on June 7, 2023 at Kolkata;
- (b) the petitioner's son was studying in Class-XII, for the academic session, 2023-2024.

Mr. Barik, learned counsel appears on behalf of the petitioner and places reliance on a Circular dated September 25, 2017 in relation to Guidelines for posting/transfer of CISF personnel. The

Constables/members of the force would be permitted an extension at his/her present unit for one year if his/her ward is studying in Class – X or XII in the current academic year and staying with him at the place of posting. The said policy is applicable only for two living children.

Mr. Ray, learned Counsel appears for the Respondent/Union of India.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that justice will be sub-served by directing the Respondent no. 2/the Director General, Central Industrial Security Force, CISF HQrs or any other authority delegated by him to dispose of the representation of the petitioner within 8 (eight) weeks from date upon giving a personal hearing to the petitioner. In disposing the representation of the petitioner, Clause 26 of the Guidelines for posting/transfer dated September 25,2017 will be taken into account. A reasoned order shall be passed and communicated to the petitioner within 2(two) weeks of passing thereof.

With the directions aforesaid, **WPA 16091 of 2023** is **disposed of**.

Needless to mention that the petitioner will continue at the present place of posting till the time a reasoned order is passed by the authorities.

All parties are to act on a server copy of this order downloaded from the official website of this Hon'ble Court.

Urgent certified website copies of this order, if applied for, be made available to the parties subject to compliance with all requisite formalities.

(Lapita Banerji, J)