

13.09.2023
Item No.14
Ct. No.25
S.A.

WPA 17575 of 2023

Debprasad Hazra
-vs-
Union of India & Ors.

Ms. Punam Basu
Ms. Pritha Biswas
...for the petitioner
Mr. Samitendra Narayan Dutta
Mr. Tapan Bhanja
...for U.O.I.

The petitioner is working as a Constable/Barber with the Central Industrial Security Forces (CISF). The petitioner has been detected with chronic kidney disease, stage-5, hypertension and anaemia. The petitioner is on maintenance haemodialysis thrice a week and is often kept on ventilation. The petitioner has been detected with the said disease on June 20, 2022. Such facts have not been disputed.

Ms. Basu, learned counsel appearing on behalf of the petitioner challenges the order of transfer dated May 31, 2023 from Headquarters, Kolkata to Durgapur DSP. She submits that the petitioner was originally transferred from Kolkata to North-East Zone-III, Mundali by transfer order dated 29.04.2023. Thereafter on the prayer of the petitioner he was given a personal hearing and posted to Durgapur instead of Mundali. She challenges the order of transfer for being an unreasoned one and prays for deferring of the order of transfer due to the serious health condition of the petitioner.

No one appeared on behalf of the Union of India on August 17, 2023. Therefore, this court directed a notice and copy of writ petition to be served on Mr. Bhudeb Chatterjee.

Mr. Dutta, learned counsel appearing on behalf of the Union of India, submits that he has been briefed in the matter. Therefore, this court does not insist on the appearance of Mr. Chatterjee.

Considering the rival submissions of the parties and the materials placed on record, this court is of the view that the order of transfer dated May 31, 2023 should be kept in abeyance for a period of one year. After the said period, the health condition of the petitioner may be reassessed by the authorities concerned prior to effecting any order of transfer.

With the directions aforesaid **WPA 17575 of 2023** is **disposed of**.

Since no direction for affidavit is passed, the allegations contained in the 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.)