

Court No. - 3

Case :- WRIT - A No. - 4483 of 2023

Petitioner :- Alok Kumar

Respondent :- Union Of India Thru. Its Chairman/Ceo,
Railway Board, Ministry Of Railway, New Delhi And 4 Others

Counsel for Petitioner :- Awanish Kumar Bhatt, Rajeev Rai

Counsel for Respondent :- A.S.G.I.

Hon'ble Manish Kumar, J.

The present writ petition has been preferred by the petitioner challenging the impugned transfer order dated 17.05.2023 by which the petitioner has been transferred from Burhwal, Barabanki, Lucknow Division to Gorakhpur and the consequential order dated 18.05.2023 directing therein to immediately join at the transferred place.

The learned counsel for the petitioner has submitted that the son of the petitioner is studying in Class- Xth and in support of his submission, learned counsel for the petitioner has enclosed Annexure No.4 to the paper book.

It is further submitted that there is a provision in the Directive No. 58 para C(xi) to extend the period of transfer in the cases where children of railway personnels are studying.

It is further submitted that the respondent has passed an order on 15.05.2023 extending the transfer for a period of one year of ten constables and head constables by placing reliance upon Para C(xi) of Directive No. 58, the copy of which has been annexed as Annexure No.6 to the present writ petition, but the petitioner has been discriminated and his period has not been extended, though his son has to appear in the Board Examination.

The learned Deputy Solicitor General of India, Sri S.B. Pandey assisted by Shri Varun Pandey, learned Advocate has submitted that the petitioner has been transferred from Burhwal to Gorakhpur in the same line and the petitioner is holding a post of Inspector and in a discipline force, but unable to give any reply to the Annexure No.6 to the writ petition by which the period of transfer has been extended due to the studies of the wards of the constables and the head constables.

In view of the above, the petitioner is given liberty to approach

the respondent No.4 for redressal of his grievance for extension of his stay at Burhwal for a period of one year as his son is going to appear in the Board examination by making a representation within a period of two weeks from today and the respondent No.4 may take a decision keeping in mind Directive No. 58 para C(xi), the benefit of which has been given to the other persons, by passing a reasoned and speaking order in accordance with law within a period of four weeks thereafter and communicate the same to the petitioner. Till the decision taken by the respondent No.4, the impugned orders dated 17.05.2023 and 18.05.2023 shall not be given effect.

If the petitioner does not approach the respondent No.4 within a period as stipulated above, the petitioner will not be entitled for the benefit of this order.

With the aforesaid observations/ directions, the petition is **disposed of.**

Order Date :- 2.6.2023

Gurpreet Singh