

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14325 of 2024

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Upendra Kumar, Son of Shiv Kumar Prasad, resident of Mohalla- Awas Nagar, P.S.- Ahiyapur, Post- M.I.T., Distt.- Muzaffarpur- 842003.

... .. Petitioner/s

Versus

1. The Union of India through Secretary, Ministry of Consumer Affairs, Food and Public Distribution, Department of Bureau of Indian Standards, Krishi Bhawan, New Delhi- 110001.
2. The Director General, Bureau of Indian Standards, Bahadur Sah Zafar Marg, New Delhi- 110002.
3. The Dy. Director General (Eastern Region), Bureau of Indian Standards, Eastern Regional Office, 6th Floor, Plot no. 7/7 and 7/8, CP Block, Sector V, Salt Lake, Kolkata- 700091.
4. The Dy. Director General (Administrative), Bureau of Indian Standards, Bahadur Sah Zafar Marg, New Delhi- 110002.
5. The Director (Establishment), Bureau of Indian Standards, Bahadur Sah Zafar Marg, New Delhi- 110002.
6. The Scientist E and Head, Patna Branch Office, Bureau of Indian Standards, Patliputra Industrial Estate, Patna- 800013.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ravi Ranjan, Advocate
For the Respondent/s	:	Mr. Amarendra Nath Verma, Sr. CGC
		Mr. Rakesh Kumar, CGC

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 23-09-2024

Heard Mr. Ravi Ranjan, learned counsel appearing on behalf of the petitioner and Mr. Amarendra Nath Verma, learned Sr. CGC along with Mr. Rakesh Kumar, learned CGC for the respondents.

2. Learned counsel appearing on behalf of the petitioner submitted that petitioner is aggrieved by the inaction of the respondents, who have allegedly not acted in accordance with



the guidelines of transfer in respect of his transfer from Patna to Madurai as the same is not in accordance with the placement policy for Group 'B' and 'C' including erstwhile Group 'D' employees of BIS. Learned counsel further submitted that the petitioner is suffering from psychotropic and several other diseases, to which the petitioner is unable to understand and learned counsel has no instruction in that regard. Against the transfer order, contained in office order dated 01.09.2023, by which, a group of employees were transferred, the petitioner had preferred CWJC No.16682 of 2023, which was disposed of *vide* order dated 15.01.2024, with a liberty to the petitioner to approach the authorities. Having no action taken, the petitioner filed another writ petition, being CWJC No.5912 of 2024, in which, *vide* order dated 05.07.2024, the Hon'ble Court has passed *inter alia* following order:-

“Previous writ petition being CWJC No. 16682 of 2023 was disposed of by a Co-ordinate Bench on 15th January 2024, on the prayer made by the learned counsel for the petitioner for not pressing the writ petition with liberty that the petitioner may be permitted to approach the respondent authority for redressal of his grievance.

2. It is submitted by the learned counsel for the Union of India that the petitioner did not file any representation as per the liberty granted by a Co-ordinate Bench while disposing of the CWJC No. 16682



of 2023. In such view of the matter, this Court finds that the instant writ petition is premature and no vested right is accumulated in favour of the petitioner to move the writ petition without making proper representation before the authorities.

3. Considering such view of the matter, the instant writ petition is dismissed, however the petitioner is given liberty to file representation before the authorities as per the order passed in CWJC No. 16682 of 2023 within two weeks from the date of this Order.”

3. The petitioner having granted liberty to file representation, he filed representation dated 12.07.2024 and before that, the petitioner had already filed his representation against the transfer order dated 01.09.2023 on 04.09.2023. In the meantime, the record reveals that petitioner was served with memorandum, containing imputation of charges, as contained in Annexure II, wherein the same was issued to the petitioner for having violated the transfer order, which constitutes misconduct and the petitioner has been compelled to face disciplinary action as a result of inaction on the part of the respondents, who have not communicated to the petitioner in respect of his representation dated 12.07.2024. The petitioner admits that he has not challenged the office memorandum dated 22.07.2024, by which the disciplinary proceeding has been initiated against him and has restricted his prayer only for quashing of the letter



dated 01.09.2023, passed by respondent no.5, the Director (Establishment), Bureau of Indian Standards, Government of India, New Delhi.

4. *Per contra*, Learned counsel appearing on behalf of the Union of India submitted that the transfer order cannot be interfered with, as the same is group transfer and the case of the petitioner was duly considered in respect of his alleged illegal health. The petitioner himself is not aware, as to what diseases he is suffering from and on the very statement that petitioner pursuant to the order dated 05.07.2024, passed in CWJC No.5912 of 2024, has filed representation dated 12.07.2024, as claimed by the petitioner, has not been disposed of and communication to that effect has not been given to the petitioner in spite of the disposal of the representation, however, deliberate action on the part of the petitioner in not joining at the place of transfer constitutes misconduct. The present writ petition is not maintainable on the very sole ground that the petitioner has not challenged the disciplinary proceeding initiated against him, for which article of charges has been served to him vide Annexure 9 series.

5. Having considered the rival submissions made on behalf of the parties, I find that the relief sought in the present



writ petition can only be said to be misconceived and misleading and is devoid of any merit.

6. Insofar as communication about the action taken by the respondents in respect of the representation dated 12.07.2024 is concerned, the petitioner may approach the Deputy Director General (Administrative), Bureau of Indian Standards, Union of India, New Delhi to provide him action/order passed on the representations filed on behalf of the petitioner, in case, same is found to have been filed by the petitioner.

7. It is made clear that this Court has not interfered in any manner in respect of the disciplinary action taken against the petitioner on the basis of the imputation of charges as contained in Annexure 9 series in accordance with law.

8. The writ petition is disposed of.

(Purnendu Singh, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.09.2024
Transmission Date	NA

