

29.04.2024
Court No.13
Item No.47
AP

WPA 5064 of 2024

**Rama Mondal
Vs.
Union of India and Ors.**

Mr. Meghnad Dutta
Mr. Abirlal Chakraborti
Mr. Ratul Deb Banerjee
Mr. Sk. Mustafi Rahaman
Ms. Saswati Manna

... For the Petitioner.

Mr. D.N. Ray
Mr. Arijit Majumdar

... For the Union of India.

1. This is the third writ petition filed by the petitioner seeking transfer to join her spouse employed with the State Police in West Bengal. The petitioner's husband is a policeman with the Gariahat Traffic Guard. The petitioner seeks transfer not so much to join her husband but for the education of her son, who is studying at DPS at Kolkata.

2. The petitioner is a constable of the CISF. She was originally posted at Kolkata and transferred to Bhubaneswar. She has filed two writ petitions being WPA no. 14210 of 2023 and WPA no. 24478 of 2023 challenging her transfer. On directions from this Court the CISF considered and rejected her request for transfer.

3. The petitioner clearly does not come within the principle of spouse joining spouse, which is a ground for transfer under the policy of Central Government. Since

the transfer to Kolkata to be with her son cannot be claimed as a matter of right and transfer being an administrative exigency of the employer, no relief can be granted to the petitioner.

4. Having regard to the facts and circumstances of this case, this Court is of the view that the petitioner has abused the process of law in filing the third writ petition seeking transfer on the ground of her son's education under a Central Government scheme, which is based on the principle of spouse being with the spouse. The Central Government has sufficient facilities such as child care leave and other measures for women employee.

5. This Court sees that the writ petition has been filed for collateral purposes and, therefore, dismissed with costs assessed at Rs.5,100/- payable by the petitioner to the respondent CISF.

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

(Rajasekhar Mantha, J.)