

WP.CT 90 of 2024

**Tirendra Prasad Yadav
Vs.
Union of India & Ors.**

Mr. Tirendra Prasad Yadav (In-person)
....For the Petitioner.
Mr. Kumaresh Dalal
Ms. Ranjana Chatterjee
....For the Respondents.

The present writ petition has been preferred challenging an order dated 13th December, 2023 passed by the learned Tribunal in the original application (hereinafter referred to OA), being OA 1398 of 2022 and the connected applications being MA 742 of 2022 and CP 140 of 2023. By the said order the learned Tribunal refused to interfere with the transfer order dated 20th July, 2022 by which the petitioner was transferred from the post of Junior Engineer (P.Way) to the post of In-charge SSE (P.Way) at the same station and the order dated 25th July, 2022 by which the petitioner was directed to handover charge to the private respondent.

Mr. Yadav, the petitioner appearing in-person submits that the transfer order was issued by an incompetent authority and the same was also not placed before the Placement Committee for its

recommendation. The transfer order was an order of demotion and by the same the petitioner had been penalized.

Drawing our attention to pages 88 to 90 of the OA, he submits that initially an interim order was passed on 5th August, 2022 and the same was extended by an order dated 17th August, 2022. As the respondents did not comply with the said order, the petitioner was also constrained to file a competent application being CP 140 of 2023 and prior thereto, a vacating application was filed by the respondents being MA 742 of 2022.

Mr. Yadav contends that the impugned order of transfer was issued not in public interest but for collateral purpose with oblique motive. The said order was also not passed following the transfer policy. Such arguments, as advanced, were glossed over by the learned Tribunal and no finding was returned on the same. Such infirmity warrants interference of this Court.

Per contra, Mr. Dalal, learned advocate appearing for the respondents submits that the petitioner has been transferred from one post to another in the same station and was also placed in the same scale of pay. In view thereof, no prejudice has been caused to the petitioner.

Drawing our attention to the transfer order, he argues that the same was issued on the recommendation of the Placement Committee and was also approved by the competent authority. In support of such contention he has drawn our attention to the circulars dated 10th June, 2014 and 21st September, 2015.

We have heard the petitioner, appearing in-person and Mr. Dalal, the learned advocate appearing for the respondents and considered the materials on record.

The argument of Mr. Yadav that the order of transfer was an order of demotion was rightly discounted by the learned Tribunal since the post from which the petitioner was transferred and the post in which he was transferred carried the same scale of pay and were at the same level (Level-6). Furthermore, the petitioner was transferred at the same station and as such the learned Tribunal rightly observed that no inconvenience had been caused to the petitioner. Taking into consideration the fact that the Railway Board's circular dated 10th June, 2014 had been modified by a subsequent circular dated 21st September, 2015, the learned Tribunal rightly arrived at a finding that the transfer order had been issued by the competent authority.

Transfer is an incident of service and is necessary in public interest. A railway servant has no legal right to continue in a particular post indefinitely.

Applying such proposition of law to the facts of the case, we are not inclined to interfere with the order impugned in the present writ petition as the same does not suffer from any patent error of law. The writ petition being WP.CT 90 of 2024 is, accordingly, dismissed.

There shall, however, be no order as to costs.

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

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)