

26.07.2024

Sl. No. 15

Ct. No. 23

Srimanta

WPA/16530/2024

Sachin Kumar Gupta

-Vs.-

Union of India & Ors.

Mr. Chandan Misra,
Mr. Debabrata Majumder

...for the petitioner.

Mr. Sounak Bera,
Mr. G. Sardar

...for the respondents.

The petitioner, a Constable in the Central Reserve Police Force (in short, CRPF) on the medical ground has challenged the transfer order dated 3rd June, 2024 in terms whereof the petitioner has been transferred from GC-Durgapur to 034 Battalion, Assam. A challenge to a transfer order can be maintained only on a limited ground, i.e., where such order is palpably arbitrary or tainted with some bias and illegality or is directed to victimize the employee. In the instant case, none of the grounds have been made out. The petitioner cannot by challenging the transfer order stall the chain of transfer as indicated under the transfer order dated 3rd June, 2024. Since the petitioner says that for his health reason the petitioner should not be transferred from Durgapur to Assam, let the transfer order of the petitioner be considered in the light of the medical ailments as cited

by the petitioner by treating the writ petition as his representation and dispose of by a reasoned order within six weeks from the date of communication of this order by the respondent no. 2 if necessary by giving the petitioner an opportunity of hearing and permitting the petitioner to produce the medical reports, since it is submitted by the respondents that the petitioner has objected to his transfer at least on two previous occasions and it is a habitual exercise by the petitioner.

This order will not be meant and construed to be a stay of transfer of the petitioner in any manner whatsoever.

Nothing further remains to be adjudicated in this writ petition. The same is, accordingly, disposed of.

Since I have not called for affidavit, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

(Arindam Mukherjee, J.)