

11.09.2024
Item No.04
Court No.11
Avijit Mitra

WP.CT 181 of 2024

In re: An application under Article 226 of the Constitution of India;

And

Ravi Shankar Choudhary
- versus -
Union of India & ors.

Mr. Ujjal Ray,
Mr. Arpa Chakraborty
....for the petitioner
Mr. Dibashis Basu,
Mr. Arun Bandyopadhyay
....for the Union of India
Mr. Bharat Bhushan,
Mr. Atindranath Mish
...for the respondent nos.2 & 3

The dispute that led to this writ petition originated from a transfer order issued under a memo. dated January 12, 2024, by which the petitioner was transferred from Durgapur to Hyderabad. The petitioner challenged the transfer order by preferring an original application (in short, OA) being OA 289 of 2024 before the learned Tribunal. The Tribunal disposed of the OA with an order dated June 21, 2024, refusing to interfere with the transfer order and dismissing the OA. The petitioner has assailed the order dated June 21, 2024, in the present writ petition.

Having regard to the facts and circumstances of the case and after considering the submissions advanced by the parties, we initially issued an interim order directing the respondents

not to give effect to the transfer order till the end of August, 2024. The interim order was extended from time to time.

Taking note of the fact that the petitioner's daughter is due to appear for the Madhyamik examination in March 2025, we requested Mr. Bhushan, learned advocate for respondent Nos. 2 and 3, to obtain necessary instructions on whether the petitioner can be retained at his current place of posting until the end of March 2025.

Today, Mr. Bhushan, upon instruction, submits that respondent Nos. 2 and 3 have agreed to allow the petitioner to remain at his current place of posting until March 31, 2025. During this period, the transfer order will be kept in abeyance.

Mr. Bhushan also submits that the petitioner has alleged that the respondents resorted to nepotism and discriminatory practices in issuing the transfer order. He requests that a direction be given to the petitioner to withdraw these unfounded allegations.

Mr. Ray, learned advocate representing the petitioner submits, upon instruction, that the petitioner is willing to withdraw all allegations levelled against the respondents in the present writ petition.

Since the dispute has been resolved to the satisfaction of the parties, we are not inclined to interfere further. The allegations brought against the respondents in the writ petition shall be deemed to have been withdrawn.

Given the context, the present writ petition is disposed of with the observation that the impugned transfer order shall be kept in abeyance until March 31, 2025. The petitioner shall

be permitted to continue functioning at his current place of posting until that date. Upon the expiration of this period, the petitioner shall join his transferred post or any other post as directed by the respondents.

This order shall not be treated as a precedent and is passed based on the peculiar facts and circumstances of the present case.

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

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties.

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