

30.10.2024
Sl. No.51
akd/AP

W. P. A. 26437 of 2024

[Dipankar Mojumder -Vs- The State of West Bengal & Ors.]

Mr. Afsar Ali

... .. for the petitioner

Mr. Santanu Mitra .. Sr. Govt. Advocate

Mr. Vijay Agarwal

Ms. Joyee Maity

... .. for the State

1. The petitioner is aggrieved that in violation of the settled principles of law against the punitive or harassive transfer, the authorities had induced similar kind of transfer in his case, beyond 450 kms. distance from his earlier place of posting.
2. Learned Advocate appearing for the petitioner through video conference has indicated that there are vacant posts within the jurisdiction of the earlier office, where the complainant could have been transferred to during the pendency of the proceedings initiated on the basis of her complaint. However, it is alleged that the authorities have undertaken a step harassive to the petitioner. Instead of transferring the victim at her convenience, the petitioner has been transferred as a punitive measure taken against him, that too in contravention of the settled principles of law. In this regard, a judgment of the Hon'ble Madhya Pradesh High Court has been relied on and referred to by the petitioner (W.P. 17827 of 2024, order dated 03.09.2024).
3. The State respondents are represented.
4. Considering the facts and circumstances the writ petition is disposed of directing the respondent no.2 to consider and dispose of the petitioner's representation dated 06.08.2024 after affording opportunity of hearing to the petitioner as well as the

responsible person in the erstwhile office of his and the private respondent.

5. Let the respondent no.2 dispose of the representation as above within a period of four weeks from the date of communication of a copy of this order and pass a reasoned order.

6. There shall be no order as to costs.

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

(Rai Chattopadhyay, J.)