

28.03.2025

Court No.23
DL – 5
(PP)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 7028 of 2025

**Manoranjan Burman
versus
Union of India & Ors.**

Mr. Anjan Bhattacharyya,
Mr. Jayanta Samanta,
Ms. Karunamoyee Samanta

.... for the petitioner.

Mr. Sukanta Chakraborty,
Ms. Priti Jain

....for the respondents.

The petitioner is a Head Constable in Central Reserve Police Force (in short, CRPF). The petitioner has challenged a transfer order being, Transfer Order - SCT 2025 dated 30th January, 2025 by which the petitioner has been transferred from IG-WB to 223-BN. It is the case of the petitioner that his present place of transfer is at Jharkhand. The petitioner says that he has a son who is Divyangjan, and as such, the present transfer order has placed the petitioner into hardship as on being posted in the battalion at Jharkhand, the petitioner may not be able to give proper treatment to his son.

Transfer order is seldom interfered with by the Court under judicial review as held in (1994) 6 SCC 98 (N. K. Singh vs. Union of India), which has been

subsequently followed in (2009) 15 SCC 178 (Rajendra Singh & Ors. vs. State of Uttar Pradesh & Ors.). The limited ground on which judicial review is permitted are grounds of mala fide and violation of any specific provision.

Although the learned advocate appearing on behalf of the petitioner tries to make out a case of violation of a specific provision by referring to Rule 109 of Central Reserve Police Force Rules, 1955, but I am unable to accept the same as a special provision referred to in N. K. Singh (supra).

In the aforesaid facts and circumstances, considering the petitioner's case in a sympathetic manner due to his son being a Divyangjan, I pass the following order:

The petitioner shall join at his transfer place by 10th April, 2025 as directed in the transfer order dated 30th January, 2025 without prejudice to his rights and contention.

The petitioner has made a representation on 6th February, 2025 to the Deputy Inspector General (Estt), CRPF, DTE, New Delhi.

On behalf of CRPF, it is submitted that the representation has to be made to the Director General, CRPF (respondent no.2) who will be considering the same.

In such circumstances, let the petitioner within 15 days from date make a representation to the respondent no.2 giving all particulars along with necessary documents in support of reconsidering his transfer order.

The respondent no.2 shall dispose of the petitioner's representation within 3 weeks from the date of such representation by a reasoned order after hearing the petitioner and calling for any document or further documents from the petitioner. The reasoned order shall be communicated to the petitioner immediately after the same has been passed.

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

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Arindam Mukherjee, J.)