

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

21 30.6.2025
Sc Ct. no.2

WPA 12743 OF 2025

Diptendu Das

Vs.

The Union of India & Ors.

Mr. Chandradoy Roy (VC)

Ms. Debjani Banerjee.

....For the Petitioner

Mr. Swapan Kumar Nandi

Ms. Banani Bhattacharya.

....For the Respondents

Affidavit-of-service, filed in Court today, is taken on record.

Mr. Chandradoy Roy, learned advocate appears for the petitioner through virtual mode with Ms. Debjani Banerjee, learned advocate.

Mr. Swapan Kumar Nandi, learned advocate with Ms. Banani Bhattacharya, learned advocate appears for the Union of India.

The petitioner is presently a **Field Assistant** in **Raja Rammohun Roy Library Foundation** (for short the said Foundation). This, according to the petitioner, is an organization, set up by the Ministry of Culture, Government of India in 1972.

Out of a disciplinary proceeding the petitioner has suffered an **Order of Suspension**. The petitioner has challenged the said suspension. The challenge travelled up to the Hon'ble Division Bench of this Court. The

Hon'ble Division Bench by its order dated **March 4, 2025, Annexure-P10**, at **page 56** to the writ petition had set aside the **Order of Suspension** dated **September 4, 2024**. The Hon'ble Division Bench had also observed as under :

“Diptendu’s prayer for transfer to Kolkata in view of the ailments being suffered by his mother and wife, is left open for sympathetic consideration of the employer.”

Even prior to the said order passed by the Hon'ble Division Bench, the petitioner had sought for transfer from time to time on several occasions from **2021**. The last of such representations seeking transfer is dated **April 30, 2025, Annexure-P13**, at **Page 65** to the writ petition. The same has not been considered.

Following the observation made by the Hon'ble Division Bench, as quoted above, this Court is of the view that, the application of transfer submitted by the petitioner dated **April 30, 2025** followed by the previous applications is required to be considered and disposed of by passing a reasoned order by the appropriate authority.

In view of the above, the respondent no.4, upon issuing a prior hearing notice of at least **seven days** to the petitioner and after granting him an opportunity of hearing, is directed to disposed of the said application for transfer dated **April 30, 2025**, submitted by the petitioner at **page 65** to the writ petition by passing a reasoned order in accordance with law.

The entire exercise shall be carried out and completed by the respondent no.4 positively within a period of **four weeks** from the date of communication of this order and the reasoned order shall be communicated to the petitioner positively within **a week** from the date of the said reasoned order to be passed.

It is made clear that, this Court has not gone into the merits of the claim of the petitioner seeking transfer and the petitioner shall be at liberty to urge whatever points he wishes to urge by relying upon whatever records, documents and judgments he wishes to rely upon before the respondent no.4.

It is needless to mention that, the petitioner shall be entitled to attend the hearing before the respondent no.4 along with his duly authorized representative.

In the event the reasoned order goes in favour of the petitioner then the appropriate authority of the Foundation shall take all necessary and consequential steps to give an immediate effect to the said reasoned order in accordance with law but positively within a further period of **two weeks** from the date of the said reasoned order to be passed.

It is made clear that, this order shall not create any right or equity in favour of the petitioner if the petitioner does not succeed to his claim before the respondent no.4 strictly in accordance with law.

It is once again made clear that, this Court has not gone into the merits of the rival contentions of the parties

and the respondent no.4 shall decide the issue independently without being influenced by any observation made by this Court but strictly in accordance with law following the due procedure.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions this writ petition, **WPA 12743 of 2025** stands ***disposed of***, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)