

23<sup>rd</sup> July, 2025

Item no. DL 9  
Court No. 4

Asraf, A.R.(Ct.)

**In the High Court at Calcutta**  
**Constitutional Writ Jurisdiction**  
**Appellate Side**

Case No. **WP.CT 139 of 2025**

*In the matter of :*

**SANTANU MAHAPATRA**

*.... Petitioner*

**VS.**

**UNION OF INDIA & ORS.**

*....Respondents*

*For the Petitioner :*

**Mr. Mahadeb Ghosh**

**Mr. Pritam Ghosh**

*....Advocates*

*For the Respondents :*

**Mr. Ranjan Kr. Sinha**

**Mr. Arun Bandyopadhyay**

*....Advocates*

1. Heard the learned counsel for the petitioner / applicant and the learned counsel for the respondents.
2. The petitioner was posted as a Station Master at Akra in Sealdah Division, and was transferred on 08.03.2024 to Malda Division. The petitioner has made a representation against such transfer on 11.03.2024. In his representation, the petitioner / applicant has stated that he was not shown the requisite authorization issued by the DRM the transfer being from one Division to other. He has also claimed that since there is vacancy at his Division in Sealdah, having regard to his inconvenience in view of his ailing parents, he

should have been spared in the Sealdah Division. In his representation he has alleged that his transfer is based on extraneous consideration. Apart from making a vague assertion, there is no material to substantiate any allegation, much less prove that the order of transfer is vitiated by mala fide or bias.

3. The learned advocate for the petitioner / applicant submits that the transfer from one Division to other could not have been effected by approval of DRM/SDAH, as has been done in the case of a petitioner, which is apparent from transfer order dated 08.03.2024.
4. The respondents on the other hand in their reply have placed on record the relevant provision relying on which they sustained the competence of the DRM to issue the transfer order having regard to administrative exigency of service. They have taken a specific stand that no material whatsoever was produced to substantiate the allegation of their being any element of bias or mala fide. It is submitted by learned counsel for the respondents that such allegation has been made to somehow overcome the transfer. It is submitted that the petitioner's service carries a transfer liability and the law is clear that in such a circumstance the transfer being an incident of service, there is no

vested right in any employee to claim to continue at a particular place of posting. Insofar as alleged incompetence of the DRM, they have place reliance of Model Schedule of Power wherein clause 3 reads:

“

| S. No. | Nature of Powers                                                                            | PHOD/<br>CHOD/HOD | DRM/ADRM/SAG<br>Officers in Field<br>Units         | Divisional<br>Officers,<br>Extra-<br>Divisional<br>Officers &<br>Officers in<br>Headquarters | Remarks                                                |
|--------|---------------------------------------------------------------------------------------------|-------------------|----------------------------------------------------|----------------------------------------------------------------------------------------------|--------------------------------------------------------|
| 3      | Transfer of posts and grades                                                                |                   |                                                    |                                                                                              |                                                        |
|        | (A) Temporary transfer of post in respect of non-gazetted staff from one station to another | Full Powers       | Full Powers in respect of posts controlled by them |                                                                                              | Up to a period of one year without Finance concurrence |

”

5. Referring to the same, it is submitted that the full power was vested in the DRM for transfer of the petitioner who was admittedly a non-gazetted employee.
6. It is submitted that such power to transfer was available for a period of up to one year, only when it was without the financial concurrence. The transfer order in question, however, reads as follows:

*“On approval of the Competent Authority (DRM/SDAH) with finance concurrence Sri Santanu Mahapatra, SM/AQR/SDAH Divn E. Rly. In Level – 6, who was ordered transfer alongwith post to Malda Division /E. Rly. on Administrative interest for the period of 05 years, has been released from SS/AQR vide letter No. SS/ARKA/Spare/iii/01/24 Dated- 07.03.2024 (AN) and reported to this office/divn. on 08.03.2024 is hereby released finally to MLDT Division /E. Rly as “SM” in Level -6 and directed to report DRM/MLDT Division /E. Rly immediately.”*

7. The respondents submits that from a bare perusal of the transfer order it appears that the transfer was “with finance concurrence” and therefore the order is sought to be sustained.
8. We are in agreement that arguments advanced on behalf of the respondents / Railways.
9. On consideration of the submission and the material relied upon, we find that the petitioner has not been able to make out a case for assailing the transfer order within the limited scope for challenging a transfer order, such as the order being actuated by mala fide or in violation of a statutory provision.

10. It is trite that when a transfer is effected in a service carrying transfer liability and the transfer is not on a lower post, the same can be assailed on the limited grounds as we have noted above.
11. No such case having been made out, we find no reason to interfere with the order of the Tribunal.
12. The writ petition is accordingly **dismissed**.
13. All parties shall act on the basis of server copy of this order duly downloaded from the official website of this Hon'ble High Court.
14. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties expeditiously after complying with all requisite formalities.

( Madhuresh Prasad, J. )

( Supratim Bhattacharya, J. )