

W.P.C.T. 231 of 2024

**Indrajeet Kumar
Vs.
Union of India & Ors.**

Mr. Barun Chatterjee

...for the Petitioner

Mr. Ashoke Kumar Bhowmick,
Mr. Piyas Choudhury

...for the UOI/Respondent Nos.1 to 5

1. Heard learned counsel for the petitioner as well as the learned counsel for the respondents.
2. The petitioner was working as a Civil Switch Board Operator under the Commanding Officer Signal at Kolkata. A Rotational Transfer Policy (*hereinafter referred to as 'the R.T.P.'*) came into existence on 15.06.2023. The petitioner under the R.T.P. was transferred to join at Guwahati. He has made a representation on 19.06.2023, praying before the authority that since his daughter is studying in Class-III, he may not be made to move from his present place of posting. Before the Central Administrative Tribunal, Kolkata Bench (*hereinafter referred to as 'the C.A.T.'*), he has taken another ground that the transfer is in violation of the R.T.P. wherein the tenure is prescribed as 04 (four) years. The petitioner has been transferred before completion of 04 (four)

years at his posting in Kolkata. The C.A.T. has considered the guidelines contained in the R.T.P.

3. We have also perused the same. It is apparent from a bare reading of the same that it specifies a tenure of maximum 03 (three) years and minimum 02 (two) years. Whether such prescription would create any right in favour of an employee to resist a transfer in contravention of such prescription, is an issue which may be considered in an appropriate proceeding.
4. We, however, find that the very premise of assailing the transfer based on the R.T.P. that there is a prescription of 04 (four) years tenure, is not as per the R.T.P. The provisions in the R.T.P. are in fact different. On this ground, the petitioner's prayer for challenging his transfer is unsustainable.
5. Insofar as the fact that his daughter is studying in Class-III, we find that there is no such latitude in the R.T.P. There are other issues also which the petitioner is trying to raise in today's proceedings like there being a deficiency of the requisite number of CSBOs at Kolkata and the fact that he has been transferred from western command to eastern command on his own request. These issues, however, have not been raised in the O.A. The C.A.T. having considered the submissions

advanced on behalf of the petitioner, has found that the submissions are not tenable in view of the provisions contained in the R.T.P.

6. It is trite law that transfer is an incident of service and it is for the employer to see what is the exigency of service and what are the requirements while effecting a transfer of an employee. The grounds for assailing a transfer are limited in service jurisprudence, being in a case where it is in violation of a statutory procedure or it is on a lower post or for such other reasons, which do not exist in the present case.
7. We find no reason to interfere with the order of the C.A.T. dated 01.04.2024 passed in O.A. No.1163 of 2023.
8. The Writ Petition is dismissed.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)