

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

19 26.6.2025
Sc Ct. no.2

WPA 21612 OF 2024

Goutam Sinha @ Goutam Kumar Sinha

Vs.

Union of India & Ors.

Mr. Md. Mokaram Hossain

Mr. Md. Naimul Islam.

....For the Petitioner

Mr. Chirantan Dawn

Mr. Pradyat Saha.

....For the Respondents

Md. Mokaram Hossain, learned Counsel appears for the petitioner.

Today when the matter has been taken up for consideration Mr. Chirantan Dawn, learned Counsel appearing for the respondents, in his usual fairness, after considering the law submits that, the writ petition is maintainable.

The petitioner claims transfer on compassionate ground from ***Panagarh to Kalaikunda***. The petitioner made his representation dated ***April 10, 2024, Annexure-P7, at page 42*** to the writ petition.

Md. Mokaram Hossain, learned advocate appearing for the petitioner submits that, on the basis of the transfer claimed by the petitioner, the higher authority

has also recommended the same as would be evident from **page 43** to the writ petition.

However, the said representation has not yet been disposed of.

In view of the above, the respondent no.4 being the appropriate authority, as jointly submitted by the parties, upon issuing a prior hearing notice of at least **seven days** to the petitioner and after granting him an opportunity of hearing shall decide the said representation of the petitioner dated **April 10, 2024, Annexure-P7 at page 42** 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 **six weeks** from the date of communication of this order. The reasoned order then shall be communicated to the petitioner 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 Court has not gone into the merits of the claim of the petitioner and the petitioner shall be at liberty to urge whatever points he wishes to urge by relying upon whatever records and documents he wishes to reply upon before the respondent no.4 but the same shall not travel beyond the scope of the representation dated **April 10, 2024**, as referred to above.

In the event the reasoned decision goes in favour of the petitioner, then the appropriate authority shall give an immediate effect thereto in accordance with law but positively within a period of ***four weeks*** from the date of the said reasoned order to be passed.

It is also 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.

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

It is noted that, despite direction and the extension thereof, the respondents chose not to file any report in the form of affidavit.

With the above observations and directions, this writ petition, ***WPA 21612 of 2024*** stands ***disposed of***, without any order as to costs.

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

(Aniruddha Roy, J.)