



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.4917 of 2025

Suresh Chandra Nanda

....

Petitioner

Ms. B.K. Pattanaik, Advocate

-versus-

***Director General, Railway
Protection Force, New
Delhi and Others***

....

Opposite Parties

Mr. M.K. Pati, Sr. Panel Counsel for Caveator

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

11.09.2025

Order No.

- 08.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Ms. B.K. Pattanaik, learned counsel for the petitioner and Mr. M.K. Pati, learned Senior Panel Counsel appearing for the Railway Protection Force.
3. The present Writ Petition has been filed *inter alia* with the following prayer:-

“It is therefore prayed that the Hon’ble Court may graciously be pleased to admit the case and call for the records and after hearing both the parties pass the following reliefs:

- i) *To quash the transfer order dated 12.02.2025 under Annexure-8.*



ii) *To direct the opposite parties to allow the petitioner to continue in his place of posting.*

iii) *To pass such other order/orders as would be deemed fit and proper.*

And for this act of kindness, the petitioner as in duty bound shall ever pray.”

4. It is contended that petitioner was appointed as a Constable in Railway Protection Force (RPF) in the year 1999. While so continuing, basing on the request made by the petitioner and on the ground that his wife is serving at Sambalpur, petitioner was transferred as a Head Constable to Sambalpur Division, where he joined in the year 2003. It is contended that while so continuing, petitioner was promoted to the rank of ASI in the year 2017 and was transferred to Waltier Division under East Coast Railway.

4.1. Petitioner in terms of the said order, joined in Waltier Division. However, considering the request made by the petitioner that his wife is serving at Sambalpur, petitioner was against transferred and posted to Sambalpur Division vide office order dated 02.04.2018.

4.2. It is further contended that petitioner was so transferred and posted to Sambalpur Division where his wife is also working under East Coast Railway taking into account the circular issued in that regard on 20.09.2009 and further clarification issued by the



Railway Board on 02.02.2010 relating to posting of Husband and Wife in the same station, if posts are available.

4.3. It is also contended that in terms of the direction issued by the Railway Board on 13.03.2023 an option is required to be obtained before putting a member of the force to transfer. It is also contended that as per the said direction, Welfare of the Staff, Administrative Requirement, Vacancy Position and previous posting with length of posting are required to be taken into consideration.

4.4. It is contended that basing on the said direction issued by the Board on 13.03.2023, petitioner though gave his option to continue at Sambalpur but without following the same, vide order dated 12.07.2023 under Annexure-2, petitioner was put under transfer from BRGA (Bargarh) to RPF/Post/MSMD (Mahasamudram) in the State of Chhatisgarh. It is contended that since as per the circular issued by the Board on 20.09.2009 and 02.02.2010, both the spouses are required to be posted in a particular place and basing on such request, petitioner was transferred and posted in Sambalpur Division, petitioner on the face of the option given by him in terms of the direction issued by the Railway Board on 13.03.2023, when was transferred



and posted to Mahasamudram vide order dated 12.07.2023 under Annexure-2, the matter was carried to this Court in W.P.(C) No.22249 of 2023. This Court vide order dated 11.08.2023, while disposing the Writ Petition, directed O.P. No.2 therein to consider the petitioner's grievance in terms of the guideline issued on 14.07.2023 and till such decision is taken, no coercive action be taken against the petitioner.

4.5. It is contended that on the face of such order passed by this Court when claim of the petitioner was held as not considerable vide order dated 23.08.2023 under Annexure-4, petitioner challenging the same, once again approached this Court by filing W.P.(C) No.12779 of 2024. This Court vide order dated 20.05.2024, while disposing the Writ Petition, directed O.P. No.3 to consider the grievance of the petitioner.

4.6. It is contended that without considering the grievance of the petitioner as directed by this Court in its order dated 20.05.2024 under Annexure-5, petitioner was placed under suspension vide order dated 28.10.2024 under Annexure-6. However, subsequently vide another order issued on 16.01.2025 under Annexure-7, the order of suspension was revoked and petitioner was directed to join in his place



of transfer in terms of order dated 12.07.2023 at Mahasamudram with immediate effect.

4.7. It is further contended that thereafter vide the impugned order dated 12.02.2025 under Annexure-8, petitioner has been transferred to Waltier Division in modification of the order passed earlier on 12.07.2023 under Annexure-2.

4.8. Learned counsel for the petitioner while assailing the impugned order dated 12.02.2025 under Annexure-8, vehemently contended that in view of the circular issued by the Railway Board on 20.09.2009 and further circular issued on 02.02.2010 as well as the direction contained in Railway Board Circular dtd.13.03.2023, petitioner is eligible and entitled to continue at Sambalpur Division where his wife is also working. It is also contended that petitioner was transferred and posted to Sambalpur Division on the ground of his spouse in service at Sambalpur Division and accordingly he should not have been disturbed at all.

4.9. It is accordingly contended that in view of the circulars issued by the Board, petitioner is required to continue at Sambalpur Division and order of transfer so passed on 12.02.2025 under Annexure-8 requires interference of this Court.



5. Mr. M.K. Pati, learned Panel Senior Counsel appearing for the Opp. Party-Railway on the other hand made his submission basing on the stand taken in the counter affidavit. It is contended that petitioner having joined in RPF which is a transferrable post and on the request made by him and on the ground that his wife is serving at Sambalpur Division was transferred to Sambalpur Division, where he continued from 29.03.2003 to 05.03.2017. Thereafter, petitioner was again allowed to continue at Sambalpur Division from 03.04.2018 to 26.12.2019 and at Bargarh from 27.12.2019 to 15.07.2023. Petitioner's wife is also continuing in Sambalpur Division w.e.f. 29.03.2003 to 05.03.2017.

5.1. It is further contended that in the meantime petitioner's wife has also been transferred to Waltier Division vide order dated 05.09.2023. Considering the request made by the petitioner and the order passed by this Court on 20.05.2024, petitioner has been transferred to Waltier Division, so that both petitioner and his wife can continue in a single station i.e. Waltier Division.

5.2. It is contended that since petitioner for a pretty long period is continuing at Sambalpur Division i.e. from 29.03.2003 to 15.07.2023 and his wife is also in



the same station during the aforesaid period, in consideration of the request made by the petitioner, petitioner along with his wife have now been posted to Waltier Division in terms of the circular issued by the Board so relied on by the petitioner.

5.3. It is also contended that since petitioner is holding a transferrable post, he has got no right to continue at Sambalpur where he is continuing for around 20 years in the meantime. In view of that, Petitioner has been posted to Waltier Division and vide another order issued on 05.09.2023, his wife has also been posted to Waltier Division, no illegality or irregularity can be found with the impugned order.

6. To the submission made by the learned Senior Panel Counsel appearing for the Railway, learned counsel for the petitioner contended that order of transfer passed on 05.09.2023, transferring the petitioner's wife to Waltier Division is the subject matter of challenge before this Court in W.P.(C) No.30067 of 2023. It is contended that basing on the interim order passed by this Court, petitioner's wife is continuing at Sambalpur Division till date.

6.1. It is accordingly contended that since petitioner's wife on the face of the order of transfer to Waltier Division is continuing at Sambalpur Division and the



issue with regard to her transfer to Waltier Division is under challenge in W.P.(C) No.30067 of 2023, the order of transfer passed under Annexure-8 is not sustainable in the eye of law.

7. To the stand taken by the learned counsel for the petitioner, learned Senior Panel Counsel appearing for the Railway contended that after rejection of his claim to continue at Sambalpur vide order dated 23.08.2023, petitioner has not yet joined on the face of the order of transfer passed on 12.07.2023 under Annexure-2 and impugned order passed now on 12.02.2025 under Annexure-8. Because of that, a proceeding has also been initiated against the petitioner vide Memorandum dated 24.04.2025.

7.1. It is accordingly contended that in view of such conduct of the petitioner, no interference is called for to the impugned order dated 12.02.2025 so issued under Annexure-8.

8. Having heard learned counsel for the parties and considering the submissions made, this Court finds that petitioner joined in Railway Protection Force and continued as such till 14.03.2003 when he was transferred and posted at Sambalpur. As found from the record, petitioner joined in Sambalpur Division on 29.03.2003 and save and except for the period from



03.03.2017 to 02.04.2018 petitioner continued in Sambalpur to 15.07.2023, when he was put under transfer to Mahasamudram.

8.1. Pursuant to the order passed by this Court on 11.08.2023, petitioner though was allowed to continue at Sambalpur Division, but his claim to continue at Sambalpur was rejected vide order dated 23.08.2023 under Annexure-4. Even though such an order was assailed before this Court in W.P.(C) No.12779 of 2024, but this Court only permit the petitioner to file a fresh representation for its consideration without protecting the interest of the petitioner.

8.2. On the face of such order, petitioner when did not join at Mahasamudram, he was placed under suspension vide order dated 28.10.2024 under Annexure-6. Thereafter, the said order of suspension was revoked vide order dated 16.01.2025 under Annexure-7 and petitioner was put under transfer to Waltier Division vide order dated 12.02.2025 under Annexure-8.

8.3. As found from the record, petitioner's wife in the meantime, has also been put under transfer to Waltier Division vide order dated 05.09.2023. Since petitioner from his initial joining in the year 1999 continued at Sambalpur from 29.03.2003 to 15.07.2023 along with



his wife, this Court in view of such long continuance at Sambalpur is not inclined to interfere with the impugned order of transfer. Not only that considering the submission in W.P.(C) No.30067 of 2023 that petitioner therein being a disabled person, she is required to be posted in a place near her native, this Court while disposing the matter today has directed the Railway Authorities to place the petitioner therein in any place near to her native within the Division except Sambalpur.

9. In view of the aforesaid analysis, this Court while not interfering with the impugned order dated 12.02.2025, dismiss the Writ Petition.

(Biraja Prasanna Satapathy)
Judge

Basudev