



2025:DHC:389-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 150/2025 and CM APPLs. 701-703/2025
STATE OF WEST BENGALPetitioner
Through: Ms. Madhumita Bhattacharjee,
Advocate.

versus

MRS VIPASHA PARUL & ORS.Respondents
Through: Mr. Anshul Rai and Mr.
Ravilochan D., Advocates for R1.
Ms. Rukhmini Bobde, CGSC with Mr.
Dushyant Pratap Singh and Mr. Vinayak
Aren, Advocates for UOI.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE AJAY DIGPAUL

JUDGMENT (ORAL)

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C. HARI SHANKAR, J.
09.01.2025

1. The respondent is a 2019 batch officer of the Indian Forest Service. She was allocated the West Bengal Cadre. Consequent to her marriage to one Mr. Suvendhyu Kumar Patra, who was a 2019 batch Indian Police Service officer of the Odisha Cadre on 21 August 2021, she applied on 13 September 2021 for transfer to the Odisha Cadre, in terms of Rule 5(2)¹ of the Indian Forest Service (Cadre) Rules, 1966 read with Notification dated 8 November 2004 issued by the Department of Personnel and Training.

¹ 5. Allocation of members to various cadres.-

5(2) The Central Government may, with the concurrence of the State Government concerned,



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2. As the application was rejected, the respondent approached the Central Administrative Tribunal² by way of OA 955/2023³, *Vipasha Parul v UOI*. The said OA stands allowed by the Tribunal by judgment dated 2 May 2024.

3. Aggrieved thereby, the State of West Bengal has approached this Court by means of the present writ petition.

4. We have heard Ms. Madhumita Bhattacharjee, learned Counsel for the petitioner, and Mr. Ansul Rai, Counsel for Respondent 1, who was the applicant before the Tribunal, and Ms. Rukhmini Bobde, Central Government Standing Counsel for Respondent 2, who is a proforma party.

5. The Tribunal has followed the judgment of this Court in *State of West Bengal v Sagar*⁴, which involved an identical controversy. In that case, too, the respondent /candidate, who was a 2019 batch IPS officer of the West Bengal cadre, married a 2019 batch IPS officer of the Rajasthan cadre on 28 November 2021. Following this, he applied for change of his cadre from West Bengal to Rajasthan. The application was rejected, against which the respondent approached the Tribunal. The Tribunal allowed the respondent's application, against which the State of West Bengal approached this Court by means of WP (C) 3137/2023.

transfer a cadre officer from one cadre to another cadre.

² "the Tribunal" hereinafter

³ *Vipasha Parul v UOI*

⁴ *Manu/DEOR 72681/2023*



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6. This Court upheld the decision of the Tribunal by the judgment in *State of West Bengal v Sagar* (*supra*). We may reproduce, for ready reference, the relevant paragraphs of the said judgment, which, in turn, followed earlier decisions passed by this Court as well as the judgment of the Supreme Court in *S.K. Nausad Rahaman v UOI*⁵:

“10. We are not convinced by the submissions made by Mr. Fernandes for the simple reason that when it comes to inter-cadre transfer on the ground of marriage, some amount of discretion lies with the officers (husband and wife) to decide who amongst them shall seek transfer to a particular cadre. The discretion having been exercised by the respondent, the same cannot be interfered with. The plea of shortage of officers in West Bengal Cadre cannot be a ground to deny the request. In fact, the issue of inter cadre transfer is no more *res integra* in view of the judgement of this court in the case of *Bhavna Gupta v. the Union of India & Ors.*, W.P.(C) 13444/2019, as has already been noted by the Tribunal, more specifically in paragraphs 11 and 13. In the *State of West Bengal v. Raj Karan Nayyar and Anr.*, W.P.(C) No. 11966/2018, decided on November 1, 2018, similar view was taken by this Court.

11. Given the settled position of law, we are of the view that the Tribunal is justified in giving directions as it has given in paragraph 14, which we have already reproduced above.”

7. Ms. Bhattacharjee does not dispute the fact that the controversy on merits is fully covered by the judgment of this Court in *Sagar*. In that view of the matter, there is obviously no error in the impugned judgment passed by the Tribunal. This writ petition is accordingly dismissed in limine.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

JANUARY 9, 2025/yg

[Click here to check corrigendum, if any](#)

⁵ 2022 SCC Online SC 297