

18-05-2026
Item No.59
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.10482 of 2026

Hillol Chowdhury

-vs-

The State of West Bengal & Ors.

Mr. Souparno Pyne ...for the petitioner

Ms. Tapasi Sinha Palit ...for respondent no.3

1. The petitioner was serving as peon in 6 Bengal Battalion NCC, Bongaon. By an order dated December 30, 2024, he has been transferred on promotion as Lower Division Clerk in Level 6 and posted at LDC, 2 Bengal Girls Battalion NCC, New Alipore.
2. Being aggrieved by the same he filed several representations before the authority disclosing his unwillingness to accept such promotion. He has cited several reasons, more particularly, the ground of his ailing mother, marital dispute that he is contesting and his health condition. He has not joined the transferred place of posting till date.
3. A show cause notice was issued to him on February 25, 2026 mentioning that disobeying the order of transfer on promotion may be considered as a form of misconduct. The petitioner was directed to give reply to the show cause notice.
4. The petitioner was, thereafter, issued a release order on March 11, 2026, but he has still not

joined the transferred place of posting.

5. The petitioner has prayed for a direction upon the respondents to set aside the show cause notice and release order and further permit him to continue as peon at his earlier place of posting.
6. Upon hearing the submission made on behalf of the petitioner and on perusal of the documents annexed to the writ petition, it appears that the grounds made out by the petitioner in not accepting the posting of transfer cannot be considered as good and valid ones. The service of the petitioner is a transferable one. As many as eighteen employees were transferred on promotion by the same notification dated December 30, 2024.
7. Transfer being an incidence of service, an employee cannot deny accepting the same and press for his retention at his earlier post and position. Hence, the Court is not inclined to interfere in the instant writ petition giving relief to the petitioner.
8. The writ petition fails and is hereby dismissed.
9. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
10. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

