

**IN THE HIGH COURT AT CALCUTTA  
CIVIL APPELLATE JURISDICTION  
APPELLATE SIDE**

**Present:- The Hon'ble Justice Supratim Bhattacharya**

**WPA 17884 of 2025**

**Diptendu Das  
Vs.  
The Union of India & Ors.**

**For the Petitioner** : Mr. Chandradoy Roy.

**For the UOI** : Mr. Swapan Kumar Nandi  
Ms. Banani Bhattacharya

**Judgment Delivered On** : 19.06.2026

**Supratim Bhattacharya, J.:**

1. The petitioner is an employee of the Raja Rammohun Roy Library Foundation (hereinafter to be referred to as the 'Foundation') an organization set up by the Ministry of Culture, Government of India registered under the West Bengal Societies Registration Act, 1961.

2. The petitioner has been working in the said Foundation since February 13, 2015 as a Field Assistant.

On May 13, 2015 the petitioner joined Chennai office of the Foundation. On December 26, 2017 he was confirmed to the service. Subsequently, the petitioner has served the Foundation at different places and is presently posted at Guwahati.

3. The petitioner on February 12, 2021 and subsequently on May 5, 2021 made applications before the Director General of the Foundation

for his transfer on the ground of illness of his mother and wife. On May 7, 2021 the Director General of the Foundation asked the petitioner to submit his transfer letter accompanied by medical certificate of a civil surgeon of a government hospital. In reply to the said letter on May 9, 2021 the petitioner made his third petition praying for transfer to the then Director General of the Foundation annexing the medical documents.

As none of the above transfer petitions were accepted so the petitioner again on May 25, 2021 had sent his fourth letter seeking transfer.

On 9<sup>th</sup> October, 2022 the then Director General of the Foundation had sent a letter addressing all the Field Officers and the Field Assistants for their preference of posting. Subsequently on 14<sup>th</sup> October, 2022 the petitioner made his reply giving his choice of first preference as the Eastern Zone (Kolkata) and Western Zone (Mumbai) as his second choice of preference.

On January 12, 2023 the petitioner received an order of transfer to Guwahati and since then the petitioner is serving in the Guwahati office that is for more than three years which is *de hors* the order of transfer. The petitioner has stated that he had joined Guwahati office on January 19, 2023 while leaving the Chennai office on 18<sup>th</sup> January 2023. On November 6, 2023 the petitioner made another prayer

seeking transfer. Thereafter the Deputy Director (A & A) of the Foundation issued a letter to all staff of the Foundation to apply if anybody wishes to have his transfer to the Headquarter that is Kolkata. On the self same day the petitioner applied for his transfer but that attempt has also failed.

4. In the meantime on September 4, 2024 the petitioner got suspended from his service which he challenged through a writ petition under Article 226 of the Constitution of India before the Hon'ble Court bearing WPA No. 23843 of 2024. The said writ petition was dismissed.
5. Against the order of dismissal by the Hon'ble Single Bench, the petitioner filed an appeal before the Hon'ble Court being MAT No. 2313 of 2024. Ultimately on March 4, 2025 Hon'ble Division Bench was pleased to set aside the order of suspension, reinstating the petitioner in his Guwahati office. Through the said order the Hon'ble Division Bench also observed that the charge-sheet was served upon the petitioner on the 91<sup>st</sup> day from the date of suspension while the CCS (CCA) rules clearly states that charge-sheet has to be served within 90 days from the date of suspension as such the said charge-sheet cannot be acted upon as per law. The Hon'ble Division Bench also requested the employer to consider the prayer of transfer of the petitioner sympathetically. After the aforementioned order been passed by the Hon'ble Division Bench the petitioner made two applications

renewing his prayer for transfer to Kolkata on April 4, 2025 and April 30, 2025.

6. The then Director General of the Foundation in spite of the request made by the Hon'ble Division Bench did not accede to the prayer of the petitioner for transfer, as such the petitioner was compelled to file the second round of writ petition being WPA No. 12743 of 2025 seeking transfer. The said writ petition was ultimately disposed of on June 30, 2025 by a Hon'ble coordinate Bench of this Court directing the then Director General of the Foundation to consider and dispose of the petition praying for transfer by passing the following:

*“ .... Following the observation made by the Hon'ble Division Bench, as quoted above, this Court is of the view that, the application of transfer submitted by the petitioner dated April 30, 2025 followed by the previous applications is required to be considered and disposed of by passing a reasoned order by the appropriate authority.*

*In view of the above, the respondent no.4, upon issuing a prior hearing notice of at least seven days to the petitioner and after granting him an opportunity of hearing, is directed to disposed of the said application for transfer dated April 30, 2025, submitted by the petitioner at page 65 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 four weeks from the date of communication of this order and the reasoned order shall be communicated to the petitioner positively within a week 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 seeking transfer and the petitioner shall be at liberty to urge whatever points he wishes to urge by relying upon whatever records, documents and judgments he wishes to rely upon before the respondent no.4.*

*It is needless to mention that, the petitioner shall be entitled to attend the hearing before the respondent no.4 along with his duly authorized representative.*

*In the event the reasoned order goes in favour of the petitioner then the appropriate authority of the Foundation shall take all necessary and consequential steps to give an immediate effect to the said reasoned order in accordance with law but 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 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.*

*It is once again made clear that, this Court has not gone into the merits of the rival contentions of the parties and the respondent no.4 shall decide the issue independently without being influenced by any observation made by this Court but strictly in accordance with law following the due procedure. ...”*

7. Thereafter on July 21, 2025 the Deputy Director (A & A) of the Foundation sent a notice to the petitioner informing him that the hearing will take place at the office of the Foundation in Kolkata on July 28, 2025, to which the petitioner intimated that he will attend the hearing along with his Ld. Advocate. Subsequently on July 28, 2025 the petitioner along with his Ld. Advocate attended the hearing at the Kolkata office of the Foundation. Thereafter on 31<sup>st</sup> July, 2025 two officials from the Foundation got the minutes signed by the petitioner and his Ld Advocate while the minutes was previously counter-signed by the Deputy Director (A & A) and the Ld. Advocate for the respondents. It has further been submitted that surprisingly the petitioner found that the date of the minutes was July 28, 2025 which was signed by him on 31<sup>st</sup> July, 2025. Thereafter on the very next day that is on August 1, 2025 the petitioner was served with an order of refusal of the prayer for transfer which was dated 28<sup>th</sup> July, 2025 that is the same date on which the hearing took place at the Kolkata office of the Foundation. Challenging the said order passed by the Foundation

dated July 28, 2025 the present writ petition has been preferred. The impugned order is as follows:

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Date: 28.07.2025

### ORDER

*In pursuance of the Order passed by the Hon'ble High Court at Calcutta in WPA No. 12743 of 2025 filed by Shri Diptendu Das. Field Assistant. North Eastern Zonal Office, RRRLF, Guwahati against the Union of India & Ors with regard to his representation/prayer for his transfer from North Eastern Zonal Office of RRRLF Guwahati to RRRLF Headquarters. Kolkata, a formal hearing was conducted on 28th July, 2025 in the Conference Hall of Raja Rammohun Roy Library Foundation. Kolkata. The following persons consisting of the officials of the RRRLF. the applicant Shri Diptendu Das and his lawyer and the lawyer of RRRLF were present.*

- 1. Prof. Ajay Pratap Singh, Director General. Raja Rammohun Roy Library Foundation (RRRLF)*
- 2. Mrs. Papri Chakrabarti, Deputy Director (Administration & Accounts). RRRLF*
- 3. Shri Diptendu Das. Field Assistant. North Eastern Zonal Office of RRRLF & Petitioner of the case WPA 12743 of 2025*

4. *Shri Chandradoy Roy. Representative of Shri Diptendu Das & Ld. Counsel. The High Court at Calcutta & Petitioner's Counsel in the case WPA 12743 of 2025*

5. *Shri Swapan Kumar Nandi. Ld. Counsel of the Respondent in the case WPA 12743 of 2025*

*The proceedings of the hearing have been recorded in the report dated 28.07.2025 prepared in this regard.*

*During the hearing, the contents and applicability of the Orders/documents produced by Shri Diptendu Das through his had been discussed. This Order/documents had also been examined with reference to the Government of India's lawyer rules Orders, wherever applicable to RRRLF as well as the Service Rules of RRRLF.*

*The prescriptions and other related documents in respect of his wife and parents as submitted by him and available with the office of the RRRLF were also initially examined at the level of the RRRLF and subsequently a reference was made to the Additional Director. Central Government Health Scheme (CGHS), Kolkata for seeking a candid opinion.*

*It is relevant to state here that there is no specific rule, order or policy of Government of India existing for regulating the outstation transfers of the employees of the Central Government Autonomous Bodies/Organisations and such transfers are decided and ordered at the level of each Central Government Autonomous*

*Body/Organization on the basis of functional need and in larger public interest.*

*Further, it is also stated that as per the opinion communicated to the RRRLF by the Additional Director, CGHS, Kolkata. the CGHS authority have informed that though the prescriptions submitted by Shri Diptendu Das mostly indicate the stable clinical conditions of his father and wife, they could not come to a conclusion about his mother due to non- availability of the more recent prescriptions.*

*In view of the position stated above and taking into account all other relevant aspects, his request for his transfer from Guwahati to Kolkata, can not be acceded to.*

*(Prof. Ajay Pratap Singh)*

*Director General, RRRLF”*

**8.** The Ld. Counsel representing the petitioner during his elaborate submission has contended the following

- i)** That the petitioner has been working as field assistant in the Foundation since the year 2015 when he was appointed and he has served in the south zone and presently serving in the north eastern zone and that too since being transferred on January 12, 2023.
- ii)** He has further submitted that without any blemish the petitioner has been serving as field assistant in spite of immense hardship

that his wife who was earlier affected by cancer and has both her ovaries operated and is still having to bear the after effects. As a result of which she is unable to bear child and in such circumstance, there being no other alternative, the petitioner and his wife intends to have an alternative mode of having an offspring for which considerate and sympathetic approach of the Foundation is very much required.

- iii)** He has further submitted that the petitioner is giving his entire effort to serve the institute as such he seeks sympathy from the organization. In addition to the above both the parents of the petitioner are also very much ill and suffering from several ailments which extends from hypoglycemia and other ailments.
- iv)** Ld. Counsel has further submitted that through the office order dated 12<sup>th</sup> January, 2023 it was stated that the order will take immediate effect and will remain under force for a period of two years but since joining the North Eastern Zone at Guwahati the petitioner has been serving for more than three years in spite of that no considerate approach is being shown to the petitioner.
- v)** The petitioner has in support of his contention placed several service rules of several institutes/organizations which includes that of the Comptroller and Auditor General of India, Ministry of Home Affairs and has stressed upon the point that an employee who has completed ten years of service his tenure of posting in

the north eastern states is maximum of three years which the petitioner has already fulfilled. In support of his contention the Ld. Counsel has relied upon following judgments of the Hon'ble Apex Court :

AIR 2014 SC 263

AIR 1995 SC 813

(1991) 4 SCC 132

The petitioner ultimately has sought for transfer of his posting from the north eastern zone at Guwahati to the Head Office at Kolkata to facilitate the treatment of his aged ailing parents and severely physically and mentally affected wife.

**9.** Per contra, the Ld. Counsel representing the respondents has stressed upon the following points:

- i)** That the Foundation is an autonomous body under the Ministry of Culture, Government of India being registered under the West Bengal Societies Registration Act, 1961 and submitted that the Foundation is governed by the Raja Rammohun Roy Library Foundation Service Regulation, 1972 as amended in 1987.
- ii)** He has further submitted that it is not a fact that there is no provision for transfer. The transfer is made as per the need of the organization. He has further submitted that the representation was received and considered but representation cannot override

the operational exigencies and has also submitted that multiple representations do not ripen into a legal entitlement.

- iii)** He has further submitted that transfer is an administrative prerogative which is made for efficient functioning. The Ld Counsel has controverted the fact that biasness has been shown to the petitioner. On the contrary the Ld Counsel has submitted that additional work was entrusted to the petitioner with accounts related duties in the National Mission on Libraries which is a Central sector scheme looked after by the Foundation at the Headquarter situated at Salt Lake, Kolkata which demonstrates the absence of prejudice.
- iv)** The Ld. Counsel has further submitted that it is fact that the petitioner has been transferred to the north eastern zone, Guwahati in terms of the office order dated 12<sup>th</sup> January, 2023 and has been working since then. It is also fact that the said order of transfer is an incident of service to meet the programs and obligations of the north eastern zone.
- v)** He has further submitted that in the meantime the application made by the petitioner praying for permitting him to work from home has been disposed of by the Hon'ble Court on 19<sup>th</sup> November, 2025 in the following terms :

*“7. Learned advocate representing the petitioner has relied upon the order of the Hon'ble Division Bench dated 4th March, 2025 passed on an intra-court appeal being MAT 2313 of 2024*

*(Diptendu Das Vs. Union of India & ors.). However on perusal of said order dated 4th March, 2025 it does not appear that any restraint order was passed by the Hon'ble Division Bench whereby respondent authorities ought not to insist upon the petitioner and to direct the petitioner to work as Field Assistant in North Eastern Zonal Office of RRRLF Guwahati, Assam, rather the order was passed by the Hon'ble Division Bench dated 4th March, 2025 which is confined to validity and legality of suspension order issued against the petitioner.*

*8. In aforesaid conspectus, prayer to extend the interim order dated 3rd October, 2025 is refused.*

*9. Petitioner shall be at liberty to resume duty as Field Assistant in North Eastern Zonal Office of RRRLF Guwahati, Assam immediately."*

- vi)** The Ld. Counsel has further submitted that as per the direction of the Hon'ble division Bench of this Court they have complied the same and has further submitted that there is no specific rule, order or policy of the Government of India existing or regulating outstation transfers of the employees of the central government autonomous bodies, organization and such transfers are decided and ordered at the level of each central government autonomous body, organization on the basis of functional need and in larger public interest. It is further submitted that through the impugned order it transpires that the Additional Director, Central Government Health Scheme (CGHS) Kolkata was requested to look into the matter and give his opinion. On the basis of his

opinion the organization arrived at the final order against which the petitioner has preferred the instant writ application.

**vii)** The Ld. Counsel has relied upon a judgment of the Hon'ble Apex Court published in AIR 1995 SC 813

Banking upon the same the Ld. Counsel has submitted that the impugned order dated 28.07.2025 passed by the Director General of the Foundation does not deserve any interference and has considered all the aspects available for consideration in respect of the prayer of transfer made by the petitioner. In such circumstance, the Ld. Counsel has prayed for rejection of the present writ application.

**10.** Considering the submission of the Ld. Counsels it transpires that vide order dated 12<sup>th</sup> January, 2023 the petitioner has been transferred to the north eastern zone at Guwahati and since then he is posted at Guwahati.

With the passage of time the said petitioner is posted at Guwahati in the north eastern zone for about three and a half years and it is also fact that the petitioner is in service since 13<sup>th</sup> February, 2015 that is more than ten years.

**11.** On perusal of the impugned order passed by the Director General of the Foundation it transpires that through the said order it is stated that there is no specific rule, order or policy of Government of

India existing for regulating the outstation transfers of the employees of the Central Government autonomous bodies/organizations and as such transfers are decided and ordered at the level of each Central Government autonomous body-organization on the basis of functional need and in larger public interest. It is also apparent that the impugned order has been passed relying upon the opinion of the Additional Director, Central Government Health Scheme (CGHS) Kolkata. It also transpires from the said order that the CGHS Kolkata could not come to a conclusion about the medical status of the mother of the petitioner because of non-availability of prescriptions but in this regard no further information or document was sought for from the petitioner.

**12.** Considering the fact that the petitioner is posted and is serving at the Guwahati office situated in the North Eastern Zone since the month of January 2023 and has since then been serving for more than three years there and in the meantime the petitioner has crossed ten years being in this service. In addition to the above, there being ailment of the mother of the petitioner in respect of whom the authority could not come to a conclusive decision, this Court is of the opinion **that a further opportunity of hearing be given to the petitioner, after the petitioner providing the present medical status of his parents and his wife.**

This Court keeping in mind the fact that a Government employee or any servant of a public undertaking has no legal right to insist for being

posted at any particular place. It is also fact that the petitioner holds a transferrable post and has no choice in the matter of posting.

The order is being passed keeping in mind the illness of the parents of the petitioner and his wife.

This Court directs the Foundation to intimate the petitioner about the date and place of hearing by a notice of at least seven days in advance and after providing an opportunity to adduce documentary evidence and after hearing the petitioner and considering the entire circumstance to pass reasoned order in accordance with law and to communicate the same to the petitioner within seven days from the date of taking the decision.

**13.** It is needless to mention that the petitioner shall be entitled to attend the hearing before the respondent No.4 (Raja Mammohun Roy Library Foundation, represented by its Director General) along with his authorized representative.

**14.** In the event the reasoned order is passed in favour of the petitioner then the appropriate authority that is the Foundation shall take all necessary and consequential steps to give effect to the said reasoned order in accordance with law within a further period of two weeks from the date of the said reasoned order to be passed.

**15.** It is made clear that this order shall not create any right or equity in favour of the petitioner if the petitioner does not succeed in his claim before the respondent No.4.

**16.** The entire exercise shall be carried out and completed by the respondent No.4 positively within eight weeks from the date of communication of this order.

**17.** With the above observations and directions, the writ petition being **WPA 17884 of 2025** stands **disposed of** without any order as to cost.

**18.** Parties shall be entitled to act on the basis of the server copy of the judgment and order placed on the official website of the Court.

**19.** Urgent Xerox certified photo copies of this judgment, if applied for, be given to the parties upon compliance of the requisite formalities.

**(Supratim Bhattacharya, J.)**