01.10.2026
Item No.01
Court No.11
rpan

WP.CT 189 of 2026

Sanghamitra Panja
- Versus -
Union of India & ors.

Mr. Subir Sanyal, Sr. Adv.
(through virtual mode),
Mr. Sakya Maity
Mr. Subhas Jana,
Mr. Sourojit Mukherjee
Ms. Mohua Palit
...for the petitioner
Mr. Sukumar Bhattacharyya,
Mr. Narendra Prasad Gupta,
Ms. Oindrila Chatterjee
....for the respondents

The present writ petition has been preferred by the writ petitioner, namely, Sanghamitra Panja (in short, Sanghamitra) challenging an order dated 23.06.2026 passed by the learned Tribunal in the original application (in short, OA) being OA 838 of 2026.

Records would reveal that Sanghamitra was initially appointed under the Anthropology Survey of India on 26.05.2003. On and from the said date she served at Shillong for a period of more than four years till 11.07.2007 and thereafter she was brought back to Kolkata and she is rendering her services at Kolkata from 12.07.2007 till date. In the midst thereof, the respondent no.2 issued a memo dated 16.03.2026 transferring Sanghamitra from the Head Office, Kolkata to Western Regional Centre, Udaipur on the ground of *'Public Interest'*. She immediately submitted a

representation for reconsideration of the order of transfer on 19.03.2026 stating *inter alia* that she has a son of 11 years, who is suffering from bronchial asthma and that she is residing with her husband, who is a State Government employee. Thereafter she submitted a further representation on 27.03.2026. In response thereto, Sanghamitra was communicated a memo dated 24.04.2026 intimating that the competent authority had permitted her to join the transferred post on or before 31.05.2026. Challenging *inter alia* the memo dated 24.04.2026 Sanghamitra filed OA 698 of 2026 which was disposed of by an order dated 20th May, 2026 directing the respondent authorities to consider Sanghamitra's representation dated 24.04.2026 and the respondents were restrained from giving effect to the transfer order in the meantime. Pursuant to such direction the respondent no.2 passed an order on 05.06.2026 rejecting her prayer and within 3 days thereafter, she was issued a release order on 08.06.2026. Aggrieved thereby, Sanghamitra again filed OA 838 of 2026 challenging the order dated 5.06.2026 along with a miscellaneous application challenging the release order. Upon considering the same the order impugned in the present writ petition has been filed.

Drawing our attention to page 28 of the writ petition and the order of transfer, Mr. Sanyal, learned senior advocate appearing for Sanghamitra submits that there are four posts of Research Associate. One Sri Sudipto Kumar

Behera is in Kolkata for 26 years, one Smt. Nupur Sinha (in short, Nupur) is in Kolkata for 27 years whereas Sanghamitra is in Kolkata for 18 years but she has been picked up and transferred to Udaipur. Nupur had worked in a hard station at Shillong only for a period of 1 year and 10 months whereas Sanghamitra had worked in the hard station for more than four years. No reason is forthcoming as to Sanghamitra had been transferred though his posting at Kolkata is for a lesser period and her tenure of posting in a hard station is also more than Nupur. The discrimination as practiced by the respondents ought to have been interfered with by the learned Tribunal moreso when such act is not in consonance with the guidelines. The said guidelines provide *inter alia* that '*all officers should serve at least two terms outside Head Office/Regional/Sub-Regional Centre/Field Station of their choice out of which one term should invariably in hard station during service career*' but Sanghamitra's reliever, namely, Arsi Prasad Jha was never posted in a hard station.

He contends that Nupur's husband has already retired whereas Sanghamitra's husband is still in service. The fact that she is having a son of eleven years suffering from bronchial asthma has also not been disbelieved by the authorities but, surprisingly, they have applied a different yardstick in case of Nupur on a purported plea that she is suffering from cerebral stroke. There has thus been an error in the decision-making process and in view thereof, the

matter needs to be remanded to the authorities for reconsideration.

He argues that the transfer guidelines cannot be applied selectively and discriminately. In the impugned order dated 05.06.2026 the core issue has not been addressed and the observations made are self-contradictory and such decision has been taken without evaluating an employee's total service history including the cumulative hard station exposure. The respondent no.2 while passing the order also overlooked the fact that Nupur is willing to take a hard station but still Sanghamitra was picked up and transferred. Such arguments, as advanced, were glossed over by the learned Tribunal and no finding was returned on the same.

Mr. Bhattacharyya, learned advocate appearing for the respondents, however, denies and disputes the contention of Mr. Sanyal and submits that a perusal of the order impugned in the writ petition would itself reveal that on behalf of Sanghamitra it was submitted that she is ready to join her place of posting at Udaipur and that she is presently ready to join and wants to make a representation for extending the date of her joining at Udaipur. Taking into consideration such stance of Sanghamitra, the order impugned has been passed and as such there is no infirmity in the same.

He contends that earlier also in the representation submitted on 02.04.2026 Sanghamitra had stated that it is

very difficult to move from Kolkata until some effective arrangement is being made and accordingly, she prayed for extension of time for joining at Udaipur. Such prayer was considered and by an order dated 24.04.2026, time was extended.

He further submits that the allegations have been levelled against one Nupur without impleading her. During the period from November, 1995 till the year 2008 Nupur was working in a different post as Joint Technical Assistant.

In reply, Mr. Sanyal submits that when the decision-making process has been challenged impleadment of Nupur in the OA would not have been an absolute necessity. As regards the averments made in paragraphs 7 and 11 of the impugned order, Mr. Sanyal clearly states that there was no such concession on behalf of Sanghamitra.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

A perusal of the order impugned reveals that at the time of hearing Sanghamitra expressed that she was ready to join at Udaipur. The argument that such statement was never made by Sanghamitra is not acceptable since in the event she did not make such submission she ought to have immediately approached the learned Tribunal with an appropriate application. The OA was disposed of on 23.06.2026 whereas the writ petition was filed on 18.08.2026. In between the said period, she did not take appropriate steps before the learned Tribunal. In the earlier

representation submitted on 02.04.2026 also Sanghamitra had stated that it is very difficult to move from Kolkata until some effective arrangement is being made and accordingly, she prayed for extension of time for joining at Udaipur. The chart at page 28 clearly shows that in the post of Research Assistant Nupur had rendered services for about 16 years whereas Sanghamitra is there in Kolkata for about 19 years. During the period from the month of November, 1995 till her posting at Shillong, Nupur was working in a different post and the said period of posting cannot be considered as a period spent in the post of Research Associate. Sanghamitra's reliever, namely, Arsi Prasad Jha was also posted in Udaipur for 23 years.

Transfer is an incident of service and the same can be interfered with in the event the same is issued on mere ipse dixit of any authority. The order of transfer does not suffer from such vice. It is also not a case that the authorities have acted *mala fide*. A challenge to an order of transfer should normally be eschewed and should not be countenanced by the Courts or Tribunals as though they are Appellate Authorities over such orders, which could assess the niceties of the administrative needs and requirements of the situation concerned.

The learned Tribunal, upon discussing the factual issues, arrived at categoric findings and we do not find any infirmity in the same warranting interference in the present writ petition.

However, immediately after issuance of the order of transfer Sanghamitra submitted representations for reconsideration and thereafter challenging the inaction of the authorities, she filed OA 698 of 2026 which was disposed of by an order dated 20.05.2026 directing the respondents to consider Sanghamitra's representation and not to give effect to the order of transfer till such consideration. Pursuant to such direction the final decision was taken on 05.06.2026. The same was challenged by Sanghamitra in OA 838 of 2026 which was disposed of by the order dated 23.06.2026 impugned in the present writ petition which was filed before this Court on 18.08.2026. In the said conspectus, in the event Sanghamitra joins her transferred post within a period of three weeks from date, the respondents shall not take any coercive steps against Sanghamitra pertaining to the period from the date of issuance of the order of transfer till the date she joins the transferred post in terms of this order.

With the above observations and directions, the writ petition is disposed of.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Atarup Banerjee, J.) **(Tapabrata Chakraborty, J.)**