

GAHC010019172026



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/887/2026

MANORANJAN SARKAR
S/O - MANONIDHI SARKAR, R/O - NEAR CIRCUIT HOUSE, GOURNAGAR,
WARD NO. 1, P.O. AND P.S. - KOKRAJHAR, DISTRICT - KOKRAJHAR, BTR,
ASSAM, PIN - 783370.

VERSUS

THE UNION OF INDIA AND 3 ORS
REPRESENTED BY INSURANCE REGULATORY AND DEVELOPMENT
AUTHORITY OF INDIA, GOVT. OF INDIA (IRDAI), HAVING ITS OFFICE AT
HYDERABAD, TELANGANA, SY. NO. 115/1, FINANCIAL DISTRICT,
NANAKRANGUDA, GACHIBOWLI, HYDERABAD - 500032.

2:THE BAJAJ ALLIANZ (NOW BAJAJ LIFE INSURANCE)
BAJAJ ALLIANZ HOUSE
REPRESENTED BY ITS MANAGING DIRECTOR
AIRPORT ROAD
YERAWADA
PUNE
MAHARASHTRA-411006.

3:THE GENERAL MANAGER
BAJAJ - NORTH EAST BRANCH
BORA SERVICE
BAJAJ LIFE INSURANCE COMPANY
GUWAHATI
PIN - 781007.

4:THE HUMAN RESOURCE MANAGER (H.R.)

NORTH EAST OFFICE AT BORA SERVICE
BAJAJ LIFE INSURANCE COMPANY

GUWAHATI
PIN- 781007

Advocate for the Petitioner : MR. M U MAHMUD, MR S H MAHMUD,S SEKH,V
KHAKHALARY

Advocate for the Respondent : DY.S.G.I.,

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA
ORDER**

23.02.2026

Heard Mr. M.U Mahmud, learned counsel for the petitioner. Also heard Mr. S.K. Medhi, learned CGC for the respondent No. 1.

2. This writ petition is filed by the petitioner challenging the transfer order sent by an Email dated 25.01.2026 transferring the petitioner from Bongaigaon (KEG) to Raipur (M08) Branch. The petitioner aggrieved that this order has been issued in a manner which is contrary to the provisions of law. The petitioner filed a representation before the authorities which according to the petitioner has remained unattended. He has enclosed copies of medical records to submit that he has been suffering from medical ailments and therefore, he is not in a position to comply with the transfer order.

3. The first question, this Court needs to deal with is weather the writ Court would be an appropriate forum for interfering with orders pertaining to the service conditions of the employees passed by a private company, namely, the Bajaj Allianz Life Insurance Company Ltd. According to the petitioner, this is a statutory company and the statutory guidelines issued by the IRDAI has been violated and flouted by the respondent No. 2 and therefore he has approached this Court challenging the impugned order of transfer.

4. Mr. S.K. Medhi, learned CGC submits that although he appears for respondent No. 1 and the petitioner is an employee of respondent No. 2 and

therefore the writ Court is not an appropriate forum. There is no statutory guideline or Rules which are being challenged seeking orders to the respondents for interference in respect of the transfer order issued.

5. Time and again, this Court as well as Apex Court has held that ordinarily in matters of this nature where service conditions are challenged or orders passed governing the service conditions are being challenged, an appropriate forum would be a Civil Court or Labour Court. Nevertheless, in a given case, on the facts and circumstances urged before the Court, a writ Court may consider it appropriate to invoke its jurisdiction. A plain reading of the pleadings along with enclosures reveal that this is a matter where the petitioner is assailing the transfer order issued by the respondent no. 2. The relationship between the petitioner and the respondent No. 2 is purely that of an employee and employer arising out of a private contract. If there is a breach of the contract of employment, that in itself would not touch upon any public law element. Transfer is a condition of service. The petitioner has not been able to show that the impugned order of transfer issued by the respondent no. 2 in the course of the employment of the petitioner raises any public law element. Further there is no explanation as to why the petitioner did not approach the appropriate forums or that remedy before other forums would not be efficacious and complete.

6. Considering the above, without expressing anything on merit, this Court finds that the writ petition is not maintainable in its present forum before this Court. Accordingly the same stands dismissed.

7. It is made clear dismissal of the writ petition shall not be bar for the petitioner to approach any other appropriate forum.

JUDGE

Comparing Assistant