

GAHC010067362023



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

Case No. : WP(C)/1766/2023

JC 5440032 NB/SUB (H/T) JADUMANI BARIK
LEGAL DEPT. JCO-IN-CHARGE, C/O ASSAM RIFLES TRANSIT CAMP,
KHANAPARA, GUWAHATI-781022

VERSUS

THE UNION OF INDIA AND 2 ORS.
REPRESENTED BY ITS SECRETARY, MINISTRY OF HOME AFFAIRS,
GOVERNMENT OF INDIA, NEW DELHI-110001

2:THE DIRECTOR GENERAL OF ASSAM RIFLES
HEAD QUARTER
DIRECTORATE GENERAL ASSAM RIFLES
SHILLONG
MEGHALAYA-11

3:THE COLONEL (RECORDS) HEAD QUARTER
DIRECTORATE GENERAL OF ASSAM RIFLES
SHILONG
MEGHALAYA-1

Advocate for the Petitioner : MR. A R TAHBILDAR

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

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

31.03.2023

Heard Mr. A.R. Tahbildar, learned counsel for the petitioner and Mr. B. Chakraborty, learned Central Government Counsel for the respondents.

The petitioner is aggrieved by the modification of the transfer order dated 14.12.2022 whereby the petitioner was granted deferment of movement in terms of the earlier transfer order dated 21.10.2022. The deferment was granted up-to 31.03.2023. The petitioner vide the earlier transfer order dated 21.10.2022 was transferred from TC, Guwahati where he was posted to the Unit 30 Assam Rifles. It is submitted that the Unit 30 Assam Rifles was posted in Manipur at the relevant point in time. Accordingly, the petitioner sought for some deferment for complying the transfer order granted. However, vide the order dated 14.12.2022 whereby deferment of movement was granted upto 31.03.2023, the transfer granted to the petitioner earlier was modified and now he was directed to go and join 17 Assam Rifles. The grievance of the petitioner is that the 30 Assam Rifles was at the relevant point in time was located in Manipur and has subsequently been relocated now to Tezpur, Assam. The petitioner has no grievance to go and join 30 Assam Rifles as directed. However, in the extension order, the unit where he was supposed to join, has been modified from 30 Assam Rifles to 17 Assam Rifles without cancelling the earlier transfer order. Being aggrieved the present writ petition has been filed.

Mr. B. Chakraborty, learned Central Government Counsel submits that he has received instructions from the Department expressing difficulty in accommodating the petitioner in 30 Assam Rifles in view of the order dated 14.12.2022 passed by the authorities concerned.

Accordingly, let Notice be issued, Returnable on 10.05.2023.

Mr. B. Chakraborty, learned Central Government Counsel appears for the respondents. Therefore, formal Notices are waived, however, extra copies be furnished within one week from today.

In the meantime, till the next returnable date, the impugned order dated 14.12.2022 shall remain suspended.

List accordingly.

JUDGE

Comparing Assistant