

GAHC010093802022



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

**Case No. : WP(C)/3213/2022**

CT/GD NO. 103600190 ROHIT KUMAR  
PRESENTLY RESIDING AT ASG, GUWAHATI, GUWAHATI AIRPORT, P.O. AND  
P.S. AZARA, DIST. KAMRUP (M), ASSAM, PIN-781015.

VERSUS

THE UNION OF INDIA AND 5 ORS  
REP. BY THE SECRETARY OF HOME AFFAIRS, NEW DELHI-110001.

2:THE DIRECTOR GENERAL

CENTRAL INDUSTRIAL SECURITY FORCE  
(MINISTRY OF HOME AFFAIRS  
) BLOCK-13  
CGO/S COMPLEX  
LODHI ROAD  
NEW DELHI-110003.

3:THE ADDL. DIRECTOR GENERAL

CENTRAL INDUSTRIAL SECURITY FORCE  
AIRPORT SECTOR HQR. CISF COMPLEX  
MAHIPALPUR  
NEW DELHI-110037.

4:THE INSPECTOR GENERAL

CENTRAL INDUSTRIAL SECURITY FORCE  
AIRPORT SECTOR HQR. CISF COMPLEX  
MAHIPALPUR  
NEW DELHI-110037.

5:THE ASSTT. INSPECTOR GENERAL

CENTRAL INDUSTRIAL SECURITY FORCE  
AIRPORT SECTOR HQR. CISF COMPLEX  
MAHIPALPUR  
NEW DELHI-110037.

6:THE COMMANDANT

CENTRAL INDUSTRIAL SECURITY FORCE UNIT  
AIRPORT SECURITY GROUP (ASG) GUWAHATI

**Advocate for the Petitioner** : MR. D BORAH

**Advocate for the Respondent** : ASSTT.S.G.I.

**BEFORE**  
**HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

**ORDER**

**20.05.2022**

Heard Mr. D. Borah, learned counsel for the petitioner as well as Mr. B. Chakraborty, learned CGC for the respondents.

2. The case of the petitioner is that he was inducted in the CISF as Constable in the year 2010 and in terms of the Circular no.22/2017 dated 25.09.2017, which is the guidelines for posting or transfer, the petitioner had already rendered the requisite initial first tenure of 7 years in various units out of his home sector. The learned counsel for the petitioner has submitted that the Home Sector for the petitioner is at Bihar, which falls within the Eastern sector of CISF.

3. The case projected by the petitioner is that as per the said Circular no.22/2017, the second tenure would be of 12 years in units within the home

sector. In this regard, the learned counsel for the petitioner has relied on Clause-12 of the said Circular. It is projected that the father and the mother of the petitioner are critically ill and that his father, aged about 73 years, had suffered paralysis in the year 2018 and is undergoing treatment for the same and he had also suffered a hip fracture and was operated in the year 2020-21 and that the mother of the petitioner who is aged about 68 years is suffering from Liver and Chronic Kidney Disease and she is too undergoing treatment since the year 2021-22. It is also projected that apart from his ailing parents, his wife is alone taking care of their three minor children and therefore, the family is facing a lot of difficulties.

4. It is submitted that the respondent authorities, in violation of the aforesaid guidelines contained in the Circular No.22/2017, has issued the impugned order of transfer and posting dated 11.05.2022, thereby posting the petitioner at ASG, Mumbai. It is submitted that aggrieved by the transfer and posting outside the Home sector in violation of the transfer Circular no.22/2017, the petitioner had submitted a representation to the Additional Director General, APS-FHQ, New Delhi on 14.05.2022, which has not been responded to till date.

5. Thereafter, by another office order dated 14.05.2022, the petitioner has been notified about the date of relieving on 20.05.2022. Accordingly, it is submitted that the impugned transfer order and the order of relieving of the petitioner be stayed.

6. The learned CGC has submitted that the petitioner has given an

incomplete copy of Circular no.22/2017 and therefore, by producing his copy of the said circular, it is submitted that Clause-25 of the said circular, the tenure of posting in a unit/ station is three years. It is submitted that as per his instructions, the petitioner has been posted at LGBI Airport, Guwahati since the year 2017 and his normal tenure of three years in a unit/ station has already expired.

7. Referring to the first paragraph of the impugned order dated 11.05.2022, it has been submitted that the CISF authorities were conscious that the petitioner was required to be posted at Home sector. However, the authorities could not consider the case of the petitioner and several similarly situated persons for posting at Home sector/ Home Zone due to lack of replacement/ non-availability of vacancies in their respective Home sector. Accordingly, it is submitted that the petitioner would not be immediately accommodated in the Home zone/ Home sector.

8. Be that as it may, issue notice including notice on the prayer for interim relief returnable on 18.07.2022.

9. Requisite extra copies of the writ petition be served on the learned CGC in course of the day.

10. Having noted that the petitioner is presently posted in the LGBI Airport, Guwahati which is outside his Home sector. Under such circumstances, even if the Court stays the impugned order of transfer, the petitioner would still be

located outside his Home sector from where the purpose of the petitioner to take care of his family including his ailing parents would not be served. Moreover, the petitioner has already stayed for three years in a unit/ station. Hence, the Court is not inclined to interfere with the transfer order at this stage.

11. Nonetheless, as the petitioner has submitted his representation dated 14.05.2022 to the Additional Director General, APS-FHQ, New Delhi, the Court is inclined to direct the competent authority to dispose of the said representation within a period of 4(four) weeks from the date of receipt of the downloaded copy of this order from the learned CGC.

12. It is needless to mention that the respondent authorities will sympathetically consider the difficulties which the petitioner is suffering due to not being able to take care of his aged and ailing parents, and then to take an appropriate decision thereon, with instructions to the learned CGC for placing it before the Court on the next date.

13. List the matter on 18.07.2022.

**JUDGE**

**Comparing Assistant**