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WPA 14656 of 2026
with
CAN 1 of 2026

Jiban Sarkar & Ors.
Vs.
Union of India & Ors.

Mr. A. Mandal
Mr. Jyotirmoy Jha
..... for the petitioners

Mr. Moti Sagar Tiwari
Ms. Aishwarya Rajyashree
..... for the respondents

1. Let affidavit-of-service, as filed in Court, be kept on record.

In Re : CAN 1 of 2026

2. The petitioners are aggrieved that having served their mandated years in the Railway Protection Special Force (hereinafter referred to as the "RPSF") even after making the requisite application they are not being considered for transfer to the Railway Protection Force (hereinafter referred to as the "RPF")
3. Mr. Mandal, learned Advocate appearing for the petitioners, has raised a concern on behalf of the petitioners that having made the application, being so entitled under Directive No. 60, the petitioners ought to have been given the transfer.

4. Even while the transfer applications of the petitioners along with several others (approximately 5000 in number) were pending and two tranches, one in 2024 and the second in 2025 have already been effected, by a Notification dated June 19, 2026, fresh recruitment has been called for. He apprehends that freshly recruited appointees will fill up the vacancies in the RPF and thus mitigate the chance of the petitioners' transfer to the RPF from RPSF. During the course of submissions, he insists that such posts have already been filled up. He seeks for keeping 47 posts vacant in the RPF till disposal of the writ petition, by way of an interim measure to protect their rights.

5. Mr. Tewari, learned Advocate appearing for the respondents, submits that the question of transfer is coupled with the question of promotion as the transfer from RPSF to RPF is almost in a nature of promotion as these are two different battalions from two separate divisions and such transfers cannot be effected without a promotion. He has, however, fairly submitted that the case of the petitioners has not been rejected and is still pending consideration. As and when the petitioners will attain seniority and there are vacancies available, the petitioner will be transferred.

6. I have heard the learned Advocates for the parties and perused the documents on record. A bare perusal of Directive No. 60 is as follows:

“As per Rule 7.5 of RPF rules 1987 (as amended from time to time), enrolled members of the Force who constitute the Railway Protection Special Force shall form a separate cadre for the purposes of fixation of seniority. Further, as per Rule 16 of the RPF rules, there shall be an executive branch in every Zonal Railway under PCSC. Rule 87 of the same rules mentions that the enrolled members of the Force shall ordinarily be employed throughout service on the zonal railway or the Railway Protection Special Force to which they are distributed on first appointment under these rules and shall have no claim as of right for transfer to another zonal railway or to the Railway Protection Special Force formations and vice versa.”

7. It shows that transfer from RPSF to RPF is not a matter of right as the RPSF is a separate cadre for the purpose of fixation of seniority. Members of the RPSF do not have a claim as a matter of right for transfer to the Railway Protection Force and vice versa. The remaining part of Directive No. 60 deals with eligibility of persons who want to seek a transfer. They can seek a transfer only if they are eligible to fulfil the basic minimum criteria set forth in Directive No. 60. This does not mean that they have a right to obtain transfer merely because they are eligible to seek one. The eligibility criteria is not for obtaining transfer but to seek a transfer. Thus, a person has to be eligible to seek the transfer. Merely because he is

eligible to seek transfer does not foist him with a right to obtain it. Transfer is not a matter of right. The petitioners have no right to claim transfer. Thus, the claim of the petitioners to keep 47 seats vacant in the RPF cannot be entertained. That would tantamount of keeping vacancies in a disciplined force which is entrusted with discharging protection duties for one of the largest employers in the world – “Indian Railways”. The petitioners have been unable to establish a right which has been violated or a right to seek transfer from one battalion to the other (RPSF to RPF).

8. In view of the aforesaid, there is absolutely no ground or reason to keep any vacancy in the RPF to ensure that the petitioners are permitted to be transferred to the same. If there are vacancies, as submitted by Mr. Tewari, upon consideration, the petitioners will be transferred accordingly.

9. The application for appropriate order being CAN 1 of 2026 is, thus, disposed of.

In Re : WPA No. 14656 of 2026

10. On the prayer of Mr. Tewari, let affidavit-in-opposition be filed by July 31, 2026; reply thereto, if any, be filed by August 10, 2026.

11. List this matter on August 20, 2026 under the heading “Hearing”.

(Reetobroto Kumar Mitra, J.)

