



2026:CHC-AS:1454

24.07.2026
Ct. No.18
Sl. No.20
akd

W. P. A. 17939 of 2026

[Manas Mandal -Vs- Union of India & Ors.]

Mr. Soumya Majumder .. Sr. Advocate
Mr. Victor Chatterjee
Mr. Pramitava Nath
... .. for the petitioner

Mr. Kishore Dutta .. Sr. Advocate
Mr. Mainak Ganguly
... for respondent nos. 3, 4 & 5

Mr. Swapan Kumar Nandi
Ms. Banani Bhattacharyya
... .. for the UOI

1. Affidavit-of-service filed in Court today is taken on record.
2. The petitioner is employed as the General Manager (Engineering) at the Haldia Dock Complex of the Syama Prasad Mookerjee Port Authority, Kolkata (hereinafter referred to as 'SMPA'). The petitioner has been transferred from Mumbai sometime in March, 2024 on his health ground. The petitioner has not yet completed a period of five years at his present place of posting in Haldia Dock Complex.
3. The transfer of the petitioner is challenged principally on two grounds :
 - a) *that the place of transfer at Cochin has also been advertised by the Union of India;*
 - b) *under Rule 7.2(b) of the Transfer Policy for Heads of Departments (HOD) level officers in Major Port Trusts, the minimum period of five years at a particular post has not yet been covered.*
4. Mr. Kishore Dutta, learned senior Advocate appearing for the respondent nos. 3, 4 and 5 and Mr. Swapan Kumar



Nandi, learned Advocate appearing for the respondent no. 1 submit that transfers for officers at the level of the petitioner having served in a post for less than five years is permissible if the same is done on the ground of administrative exigency or public interest. It has been submitted by Mr. Nandi that the transfer has been effected on account of administrative exigency and the same cannot be challenged. Mr. Dutta produces an office order dated July 22, 2026, by which the petitioner has been released from his present place of posting. The writ petition was filed on July 21, 2026.

5. The administrative exigency, as submitted by Mr. Nandi, should be brought on record. The respondent no.1 is therefore, directed to file a report by way of an affidavit through an authorized personnel by July 31, 2026.

6. In view of the matter pending consideration before this Court, the purpose of the writ petition would be defeated if the release order of July 22, 2026 is given effect to.

7. In view of the afore-stated, the release order dated July 22, 2026 is stayed till July 31, 2026 or until further orders, whichever is earlier.

8. List this matter under the same heading on **31.07.2026** for further consideration.

(Reetobroto Kumar Mitra, J.)