

04.03.2025

Court No.23

ML-23

(pp)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side
WPA 28633 of 2024
Swapan Kumar Pal
versus
Union of India & Ors.

Mr. Samiran Mandal,
Mr. Sasthi Charan Dhara,
Mr. Nitis Samanta

....for the petitioner.

Mr. S. N. Dutta,
Mr. Shaunak Ghosh

....for the respondents.

The petitioner joined the services of Central Industrial Security Force (in short, 'CISF') in the year 1989 as a Constable (General Duty). It is the case of the petitioner that under Circular No.22/2017 dated 25th September, 2017 it has been clearly stated in clause 12 thereof that an employee during his service tenure has 4 separate segments. The 1st tenure of 7 years, the employee should be in units outside the home sector (excluding basic training), the 2nd tenure of 12 years in units in home sector, the 3rd tenure 6 years in out of home sector and the 4th tenure (remaining service) at home sector.

The petitioner says that after serving about 33 years the petitioner sought for a posting at his home unit. The petitioner was, therefor, transferred to MTPS Mejia in District - Bankura, West Bengal, from NTPC

Kaniha. The petitioner says that immediately thereafter the petitioner was issued another transfer order by which the petitioner has been posted at BSL Bokaro from NTPC Kaniha, which is outside home unit. The petitioner has challenged this order of transfer since his present posting at BSL Bokaro is outside his home unit.

The respondents oppose the petitioner's case by relying 3 judgments respectively reported in AIR 2001 SC 3309, AIR 2004 SC 2165 and AIR 2005 SC 3341. Relying upon the said judgments, the respondents say that there is no abnormality in the petitioner's transfer as he has got promotion in the meantime and in any event the rules relied upon by the petitioner are only guideline and are open to variance, particularly in case of personnel engaged in Combined Armed Police Forces.

In the aforesaid facts and circumstances, the respondents are directed to file a report in the form of an affidavit dealing with principal grievance of the petitioner, stating the relevant facts and necessary documents required for adjudication of the issues raised.

Let such report be filed 28th March, 2025. Exception, if any, be filed by 12th April, 2025.

Let this matter appear on 21st April, 2025 under the heading "For Orders".

(Arindam Mukherjee, J.)