

13.01.2025

Item no.DL/9
Court No. 23

Asraf, A.R.(Ct)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA 30945 of 2024

Suresh Nair K
Vs.
The Union of India & Ors.

Mr. Sumanta Chakraborty
.....for the Writ Petitioner

Mr. Brijendra Prata Singh
Ms. Ranjana Chatterjee
....for the Respondent Nos.1 to 6

The petitioner has challenged his order of transfer dated 2nd December, 2024, inter alia, on certain grounds which include withholding of granting promotion or leave to attend criminal proceedings initiated against him.

After hearing the parties and considering the materials on record, I find that the matter requires to be heard after permitting the respondents to disclose their stand on affidavits.

Let affidavit-in-opposition be filed within 7th February, 2025. Reply, if any, thereto be filed by 24th February, 2025.

Parties will be at liberty to mention the matter for inclusion in the list under the heading "Hearing" on

completion of affidavits or on expiry of the time provided for filing of affidavits, if no such affidavits are filed.

Although an interim order to the effect that the petitioner should be retained at his present place of posting is prayed for by the petitioner, I am not inclined to grant such an order in view of the ratio laid down by the Hon'ble Supreme Court for interfering into the transfer orders. In this context, the judgment reported in **(2009) 15 SCC 178 (Rajendra Singh & Ors. vs. State of Uttar Pradesh & Ors.)** may be relied upon.

The interim order is thus refused.

(Arindam Mukherjee, J.)