

IN THE HIGH COURT AT CALCUTTA
[CIRCUIT BENCH AT PORT BLAIR]

MAT/5/2026
(IA NO: CAN/1/2026, CAN/2/2026)

Shri Kanhaya Lal Prasad

Vs.

The Andaman and Nicobar Administration and Others

Mr. Arul Prasanth	... for the petitioner
Ms. Babita Das	... for the Administration
Mr. Vikramjit Banerjee, ASG	
Mr. Pinkesh Kumar	
Mr. Suraj Mishra	
<i>{through virtual mode}</i>	
Mr. V. D.Sivabalan	... for the CAT

February 04, 2026
[SR]
Item No.05

Today Mr. Vikramjit Banerjee, learned Additional Solicitor General has appeared on behalf of the Central Administrative Tribunal, Principal Bench. He says that the Tribunal would like to file an affidavit bringing on record its stand.

Let such affidavit be filed within two weeks (February 17, 2026), from date as suggested by Mr. Banerjee.

Mr. Banerjee submits that only a portion of the Tribunal Reforms Act, 2021 has been struck down by the Hon'ble Supreme Court. That does not affect the stability of the appointment to the Tribunal already made.

Prima facie, it appears that the case is arguable both ways. If pending resolution of this issue, the Circuit Bench of the Central Administrative Tribunal continues to function and takes up matters for hearing, and later, it is decided that the

Circuit Bench is nonest in the eye of law, since the provisions in term of which the members of the Tribunal were appointed, have been struck down by the Hon'ble Supreme Court, the time, energy and money spent in proceeding with the matters would stand wasted.

Therefore, pending disposal of this issue in the present proceeding, we direct that the Circuit Bench of Central Administrative Tribunal at Port Blair will not function.

The appellant will be at liberty to file response to the affidavit to be filed by the Tribunal by February 23, 2026.

The subject matter of challenge in this appeal is a judgment and order dated January 13, 2026, whereby a learned Single Judge of this Court dismissed the appellant's writ petition, being WPA/3/2016.

The appellant had approached the learned Single Judge challenging a transfer order issued the Administration whereby the appellant was transferred from Rangat to Kamorta. The order is dated December 17, 2025.

The appellant/writ petitioner contends that the transfer order is in violation of various provisions of various circulars issued by the Administration and, in general, in breach of the transfer policy. In particular, learned advocate points out that as per clause 4(vi) of the Circular dated July 30, 2007, *"as far as possible, officials having less than 2 years of service left shall be allowed a posting of his choice and should not be transferred from that post within that period unless there are compelling*

administrative exigencies". The appellant has less than two years left.

Learned advocate also draws our attention to clause 7 of the said Circular which reads as follows.

"7. Calender of Transfer Orders:

Transfer orders shall as far as possible be issued during the period from 15th April to 15th June each year, keeping in view the end of the financial/academic year. Out of time transfer should be avoided. However, in the compelling administrative exigencies, limited transfer orders which become inevitable may be resorted to."

Learned advocate says that the impugned transfer order also violates this clause of the transfer policy. In this connection, learned advocate relies on a decision of a Coordinate Bench of this Court in the case of B. Rajalakshmi- vs. The Union of India and others rendered in WPCT/67/2023 on December 14, 2023. In the said case, the Division Bench set aside the transfer order, *inter alia*, on the ground that the same was in breach of clause 7 of the transfer policy referred to above.

Learned advocate for the Administration says that the transfer order was issued for administrative exigency. Certain projects are going on at Kamorta and there is shortage of technical staff. The appellant's presence at Kamorta is necessary.

Prima facie the appellant has made out an arguable case. The transfer order, *prima facie* appears to be in violation of the transfer policy of the Administration. We see that the appellant

has made a representation dated December 22, 2025 to the Director of Agriculture, A & N Administration. We direct the Secretary (Agriculture) to dispose of the representation by passing a reasoned order within two weeks from the date of communication of this order by the appellant to him, in accordance with law and the provisions of transfer policy of the Administration after granting an opportunity of hearing to the appellant or his authorized representative.

The appellant shall be at liberty to place such materials and such judicial decisions before the Secretary (Agriculture) at the hearing, as he may be advised.

Considering that the appellant is due to retire in less than two years and also his daughter's wedding is coming up, as we are told, we are sure that the Secretary (Agriculture), who we are told is the appointing authority, being a very high official in the Administration, shall consider the case of the appellant sympathetically.

List this matter once again on February 24, 2026 before the next Circuit Bench, subject to its convenience.

Till the end of this month or until further orders whichever is earlier, no effect be given to the transfer order.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)