

(2016) 03 JH CK 0104

JHARKHAND HIGH COURT

Case No: Writ Petition (S) No. 3947 of 2015.

Awanindra Madhawa Bajpayee
S/o Late Ragubir Bajpayee
resident of village Akhta, PO
Akhta, PS Bargania, District
Sitamarhi, Bihar - Petitioner
@HASH Union of India, the
Secretary Ministry of Home
Affairs, Shastri Bhawan, North
Block, PO and PS North Block,

APPELLANT

Vs

RESPONDENT

Date of Decision: March 29, 2016

Citation: (2016) 4 JBCJ 435 : (2016) 3 LJLR 567

Hon'ble Judges: Rongon Mukhopadhyay, J.

Bench: Single Bench

Advocate: Mr. Niranjana Kumar, Advocate, for the Petitioner; Mrs. A.R. Choudhary, CGC,
for the Respondents

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

Mr. Rongon Mukhopadhyay, J. - Heard Mr. Niranjana Kumar, learned counsel for the petitioner and Mrs. A.R. Choudhary, learned counsel for the Union of India.

2. The petitioner in this application has challenged the order dated 11.07.2015 passed by the respondent no. 4 whereby and where under the petitioner has been transferred from 209, Cobra Battalion, CRPF, Khunti, Ranchi to GC, CRPF, Siliguri, W.B.

3. It has been submitted by the learned counsel for the petitioner that in terms of the standing order of the Directorate General, CRPF dated 31.01.2014, any tenure in

Cobra Battalion is for a minimum period of 3 years extendable for 5 years. It is submitted that without any rhyme and reason before expiry of the statutory period of 3 years, the petitioner has been transferred. He further submitted that the petitioner has given representation, but the same has also not been considered.

4. Learned counsel for the respondents has submitted that on account of administrative exigency, a person can be transferred and considering the same the order was passed transferring the petitioner from 209, Cobra Battalion, CRPF, Khunti, Ranchi to GC, CRPF, Siliguri, W.B.

5. The Standing Order which has been referred to by the learned counsel for the petitioner suggest that the Director General may issue any order of transfer overriding the transfer policy due to operational or medical or administrative or any other exigency. In view of Clause 13 of the Standing Order, the argument of the learned counsel for the petitioner that he was to remain stationed at 209, Cobra Battalion, CRPF, Khunti, Ranchi for at least a period of 3 years gets negated.

Moreover, as has been submitted by the learned counsel for the petitioner that he has already joined his transferred post and considering the entire aspects of the matter, this writ application sans merit is accordingly, dismissed.