

WP(C) 4469/2007  
BEFORE  
HON'BLR MR JUSTICE AMITAVA ROY

Heard Mr SD Choudhury, learned counsel for the petitioner. Also heard Mr P.R. Roy, learned State counsel.

The order dated 18.8.2007 issued by the Director, Panchayat & Rural Development Department, Assam transferring the petitioner from Mayang Development Block, Morigaon to Dimoria Development Block, Kamrup vice the respondent No.4 is the subject matter of challenge in the instant petition.

The main thrust of the petitioner's case is the non completion of the period of three years of his posting at Mayang Development Block, Morigaon as mandated by Office Memorandum dated 22.5.2002 read with the one dated 4.2.2002 laying down the guidelines of transfer of government employees. He has asserted that at neither the prior approval of the Chief Minister of the State has been obtained, nor there is any public interest justifying the transfer. He has alleged that the impugned decision is a fall out of political influence to accommodate the respondent No.4.

Mr Dhar Choudhury while reiterating the above has urged that the petitioner's wife has, in the meantime undergone a major surgery and that if the impugned order of transfer is implemented it will put the entire family into disarray. It has also been asserted that till date, the respondent No.4 has not reported to

Joint at Mayang Development Block pursuant to the impugned order. Mr Dhar Choudhury while reiterating the above has submitted that the impugned order of transfer in the attending facts and circumstances is patently illegal and is therefore liable to be interfered with in the interest of justice.

Mr Roy in reply, has urged that having regard to the constricted scope of interference of this Court in the matter of transfer, the grounds cited in the petition are not adequate to sustain the challenge.

Upon hearing the learned counsel for the parties, this Court deems it fit and proper to close this petition granting liberty to the petitioner to submit an appropriate representation before the Director, Panchayat & Rural Development Department, Assam highlighting the points urged herein. This should be done if so advised, within a period one week herefrom. In case, such a representation is filed, the aforementioned authority would consider and pass appropriate orders thereon. Needless to say, that while disposing of the petitioner's representation, the authority concerned should be mindful of the purpose of the guidelines and also the personal difficulties and inconveniences of the petitioner. The exercise as ordered should be completed within a period of two weeks from the date of submission of the representation. For this period of three(3) weeks from today, having regard to the fact that the respondent No.4 in the meantime, has not joined at Mayang Development Block, Morigaon, the impugned order of transfer shall not be given effect to.

The petition stands closed in the above terms. No costs.

