

WP(C) 3184/2012
BEFORE
THE HON'BLE MR JUSTICE B.K. SHARMA

Heard Mr. R. Majumdar, learned counsel for the petitioner as well as Ms. D. Sinha, learned CGC.

Learned counsel for the petitioner submits that the petitioner is ready to carry out the impugned transfer order dated 01.03.2012 followed by Annexure-3 order dated 13.03.2012 by which firstly he was transferred to Eastern Sector and by the second order he has been transferred and posted at 70th Bn. in New Delhi. However, he submits that he requires a little accommodation and to be precise, upto 05.09.2012 in view of his domestic problems. He submits that since the petitioner is not entitled to family accommodation, it will be difficult for him to leave behind his new born baby without making appropriate arrangement.

While entertaining the writ petition by order dated 28.06.2012, CGC was requested to obtain instruction as to whether the petitioner's transfer and posting can be deferred upto 05.09.2012. Learned CGC has been furnished with written instruction by communication dated 28.06.2012. In the said letter, the respondents have justified the impugned action. It has been stated that acceding to the request made by the petitioner, he was accommodated for three months w.e.f. 05.04.2012.

On the earlier occasion also, the petitioner had requested deferment of his transfer and posting for six months. Referring to the standing order No. 2/2011, it has been stated that the request of the petitioner would be given due consideration as far as possible. However, the letter has reiterated that since the petitioner has completed normal tenure of posting at his earlier place and also considering the benefit of static posting in any region, his case has been considered for posting at 70th Bn. in New Delhi.

In view of the above, the writ petition is disposed of providing that the respondents may favourably consider the case of the petitioner for retaining him at the present place of posting till 05.09.2012. It is made clear that the petitioner will have to carry out the transfer order after expiry of the time limit by joining the new place of posting.

It is expected that the respondents will consider the case of the petitioner on or before the target date of 05.07.2012 which is the date fixed for release of the petitioner. If for any reason, consideration as above is delayed or deferred, the release order may not be given effect to till such consideration or 05.09.2012 whichever is earlier.