

WP(C) 3037/2015

BEFORE

HON'BLE MR. JUSTICE UJJAL BHUYAN

Heard Mr. AM Bujarbaruah, learned Senior Counsel for the petitioner and Ms. B Dutta, learned Govt. Advocate, Assam.

Petitioner is an Assistant Sub Inspector (ASI) presently posted at Dhubri. He along with two others were transferred to different stations by the Deputy Inspector General of Police (Administration) vide order dated 19.01.2015.

It is stated that there is enmity between the petitioner and respondent No.5 (Abdur Rahim), who is also one of the persons transferred by the aforesaid order dated 19.01.2015. Because of such enmity several incidents have taken place between the two, which has resulted in his transfer. Representation submitted by the petitioner has been dismissed following direction of this Court to consider his representation in earlier round of litigation instituted by the petitioner.

It is seen that respondent No.5 had also approached this Court by filing WP(C) No.1269/2015 challenging the aforesaid transfer order. When the relevant file was produced before the Court, it was found that there are adverse reports against respondent No.5, which necessitated his transfer. At that stage, respondent No.5 withdrew the writ petition with an undertaking to comply with the transfer order. It is also seen that there are 9 criminal cases registered against the petitioner in different police stations of Dhubri.

Mr. Bujarbaruah, learned Senior Counsel for the petitioner submits that till date respondent No.5 has not yet carried out the transfer order.

On a pointed query by the Court, learned Senior Counsel submits that if the transfer order in respect of the respondent No.5 is carried out, petitioner will also comply with the transfer order.

Policemen repeatedly coming to the Court against orders of transfer can neither be appreciated nor encouraged. It is also not understood as to why the police authorities are not taking any departmental action against the policemen against whom adverse materials are available on record instead of just transferring them.

Deputy Inspector General of Police (Administration) is directed to immediately carry out the transfer order dated 19.01.2015 and thereafter, he may consider taking appropriate departmental action against the policemen transferred by the order dated 19.01.2015.

This Court therefore finds no merit in the writ petition.

Subject to the observation made above, writ petition is dismissed.

A copy of this order may be furnished to Ms. B Dutta, learned Govt. Advocate for doing the needful.