

**HIGH COURT OF TRIPURA
AGARTALA**

W.P. (C) No.510/2018

Sri Tapan Kumar Roy Sarkar, 065106807 HC/RO,
Son of Sri Amulya Chandra Roy Sarkar, resident of
Group Centre, Agartala, Adarani Tea Estate, P.O. – Salbagan.
P.S. – Lefunga, District – West Tripura, PIN – 799012.

----- Petitioner(s).

Versus

1. The Union of India, represented by the
Secretary, Ministry of Home Affairs, Government of India,
Having his office at North Block Secretariat, New Delhi – 110001.
2. The Director General, Central Reserve Police Force,
Having his office at CGO Complex, Lodhi road, New Delhi –
110003.
3. The Inspector General, Central Reserve Police Force,
Tripura Sector, Central Reserve Police Force,
Having his office at GC CRPF Campus, Adarani Agartala,
P.O. – Shalbagan, P.S. Lembucherra, Agartala,
District – West Tripura.

----- Respondent(s).

For Petitioner(s)	:	Mr. Somik Deb, Advocate. Mr. A. Dey, Advocate. Mr. Koomar Chakraborty, Advocate.
For Respondent(s)	:	Mr. Biswanath Majumder, CGC.

HON'BLE THE CHIEF JUSTICE MR. AJAY RASTOGI

Order

30/05/2018.

The petitioner is serving as a Non-Gazetted Signal Personnel under Central Reserve Police Force posted at Agartala, West Tripura, 3 Signal Battalion.

2. Indisputedly, according to the petitioner's own statement, he has completed 7 years of term and thereafter, he has been transferred vide Signal dt.16.03.2018 in which the petitioner's name find placed at Sl. No.294 and the signal contains the names of 486

personnel of Signal staff. It may be noticed from the Signal dt.16.03.2018 that the authority took a decision to transfer the Signal staffs, who are serving as Coys/Platoons and completed their normal term in their unit from one Signal to the other.

3. It is not disputed by the petitioner that the transfer is an incidence of service and is not going to affect the service conditions and can always be transferred from one place to the other in the interest of administration or in exigencies of services. It is otherwise a settled principles of law. The contention of the petitioner's counsel is that the present order impugned Signal dt.16.03.2018 qua the petitioner is in clear contravention of Standing Order No.11/2002 for transfer of Non-Gazetted Signal Personnel (up to the rank of Inspectors) and the more emphasis is on Para 3 of the Standing Order No.11/2002 (Annexure -1).

4. This court considers it appropriate to quote Para 3 of the Standing Order No.11/2002 (Annexure-1), which is relevant for the purpose:-

"3. Criterion for transfer. Newly recruited, remustered Signal personnel should invariably be posted to a field Unit in operational area. They will not be kept at Static sub Units or Group Centres as far as possible. All personnel will be so rotated during summer chain transfers so that they get equitable opportunity to serve in soft/static locations. The tenure of an individual in a field unit will be four years. Thereafter, he shall be posted to a static Unit for three years. Tenure in a Signal Battalion will be seven years."

5. Counsel submits that although he has completed his term of 7 years in 3rd Signal but as per Para 3 of the Standing Order, but there

is a further breakup of the term of 7 years, 4 years in field duty and 3 years in Static duty and according to him, he has not completed his Static duty of 3 years in the unit although completed 7 years of the term in total and this according to him is in contravention of Standing Order in passing of the order dt.16.03.2018. In support of his submission, counsel for the petitioner places reliance on a judgment of the Supreme Court reported in **Kendriya Vidyalaya Sangathan vs. Damodar Prasad Pandey & others; (2004) 12 SCC 299.**

6. The submission of the petitioner is without substance for the reason that transfer is an incidence of service which is not supposed to be interfered with by the courts under the limited scope of judicial review under Art.226 of the Constitution unless the court comes to conclusion that the order per se is clearly arbitrary or visited by mala fide or infraction of any prescribed norms of principles governing the transfers obviously governed by statutory rules, if any.

7. In the instant case, as per Standing Order No.11/2002 (Annexure-1), the total term of a personnel to serve in the unit is 7 years, which indisputedly the petitioner has completed in 3rd Signal and indeed transferred thereafter and his inter se term of 4 & 3 years if has not been completed within a period of 7 years for the personnel to serve under one unit in no manner be considered to be an infraction of the Standing Order No.11/2002 of which a complaint has been made by the petitioner. At the same time, the authority has taken a decision to transfer 486 personnel from one unit to the other who have completed their normal term in the unit which

indisputedly the petitioner has completed in terms of Standing Order No.11/2002 and after I have heard the counsel for the parties, I find no error in the decision making process adopted by the respondents or contravention of the Standing Order No.11/2002 which may call for interference.

8. Consequently, in my considered view, the writ petition is without substance & accordingly, dismissed.

CHIEF JUSTICE

Certificate:- All corrections made in the judgment/order have been incorporated in the judgment/order

sima

