

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.821/2018

Sri Dilip Roy, S/O. Lt. Jagabandhu Roy, Resident of Vill.- K.C. Para, Santir Bazar M.C., P.O. & P.S.-Santir Bazar, District- South Tripura, PIN-799144.

----Petitioner(s)

Versus

1. The State of Tripura, to be represented by the Principal Secretary, Department of Education, Govt. of Tripura, New Secretariat Complex, Kunjaban, Agartala, West Tripura, PIN 799010.
2. The Director, Elementary Education Department, Govt. of Tripura, Office Lane, Agartala, West Tripura, PIN-799001.
3. The Inspector of Schools, Govt. of Tripura, Santirbazar, South Tripura, PIN-799144.

----Respondent(s)

For Petitioner(s) : Mr. P. Roy Barman, Advocate,
Mr. K. Nath, Advocate,
Ms. A. Debbarma, Advocate.

For Respondent(s) : Mr. N. Choudhury, G.A.

HON'BLE THE CHIEF JUSTICE MR. AJAY RASTOGI

Order

31/08/2018

सत्यमेव जयते

The petitioner who is serving as an undergraduate teacher after served for more than 5 years, as informed to this court by the petitioner's counsel, in Mathu Mog Para High School, Santirbazar, South Tripura on being transferred to Nalkata High School (Primary) under Kailashahar, Unakoti District under order impugned dt.03.8.2018 (Annexure-1) has approached this court with a grievance that his family circumstances at the present moment are such which enable him to join pursuant to order dt.03.8.2018 and in this respect representation has been submitted by the petitioner to the competent authority but still it

has not been responded so far. At the same time, since the transfer has been made in public interest unless advance travelling allowance (for short, T.A.) is sanctioned to him which is the requirement of law, he could not be relieved from the post on which he is presently working and may not be asked to join pursuant to order impugned dt.03.8.2018.

2. Either of the submissions does not hold good for the reason that once the petitioner is holding a transferrable post and as long as the order has been passed in public interest, and no malice is imputed against the authority and transfer is not in violation of any statutory rules and being an incidence of service, if decision has been taken by the authority to transfer the employee in public interest under order impugned dt.03.8.2018, it is ordinarily not open for this court to interfere u/Art.226 of the Constitution of India.

3. The submission of the petitioner's counsel about his family circumstances he has made his representation and open for the authority to consider but that may not give him a right not to comply with order dt.03.8.2018.

4. The further submission of the petitioner's counsel that advance T.A. has to be sanctioned before he may be asked to comply the order dt.03.8.2018 suffice to say that one is always entitled to T.A. & D.A. on being transferred in public interest as admissible but it is not a condition precedent that T.A. has to be first sanctioned before he may be asked to proceed and comply the order of transfer. On the contrary, after he complies the order

of transfer dt.03.8.2018 and report at the place of posting in compliance thereof, he is always at liberty to claim allowances to which he is entitled for under the law on being transferred in public interest.

5. I find no reason to interfere in the order impugned and consequently, the writ petition stands dismissed. No costs.

CHIEF JUSTICE

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

Pulak

