

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

WP(C) No. 342 of 2019

H. Mangte, aged about 45 years, S/O Late Sherkhokam Mangte, Village – Ichum Keirap, P.O. Nambol & P.S. Gamphazol, Kangpokpi District, Manipur- Pin : 795134 at present posting at GC, CRPF, Imphal, having SI/Min No. 017050067.

.... *Petitioner/s*

- Versus -

1. Union of India represented through its Home Secretary (Ministry of Home Affairs) North Block, New Delhi, Government of India. – 110001
2. The Directorate General of Police, CRPF, CGO Complex, Lodhi Road, New Delhi, -110003.
3. The Spl. DG NE Zone Hqr, CRPF, Guwahati (Assam) 781001.
4. The IGP M&N Sector, CRPF, Imphal, Langjing, Manipur. P.O. Langjing & P.S. Patsoi, Imphal West District, Manipur-Pin : 795113.
5. The DIGP, GC, CRPF Imphal, Langjing, Manipur. P.O. Langjing & P.S. Patsoi, Imphal West District, Manipur-Pin : 795113.

.... *Respondent/s*

BEFORE
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

27.08.2020

Heard Mr. M. Devananda, learned counsel appearing for the petitioner and Mr. W. Darakishwor, learned senior PCCG, appearing for the respondents.

[2] In the present writ petition the petitioner is challenging his transfer and posting order dated 13.03.2019. The said impugned order is a summer chain transfer effecting transfer and posting of Sub-Inspectors (Min) including the petitioner. Under the said order inter sector transfer within Zone have been

effected and the petitioner was transferred from Group Centre(GC), Imphal which is Manipur & Nagaland (M&N) Sector, to North East Sector within North East Zone. The petitioner challenged the said transfer and posting order on the following 2(two) grounds:-

(a) according to the petitioner, he had been posted at M&N Sector in 2010 and his normal tenure of posting in a Sector is 10(ten) years as provided in Para 10(e) of the Standing Order No. 03/2016 dated 23.12.2016 regarding transfer policy of Ministerial/Stenographic/Official Language Cadre issued by the DG, CRPF. It is the case of the petitioner that before he completed normal tenure of 10(ten) years in a sector posting, he had been transferred to another Sector by the impugned transfer and posting order dated 13.03.2019. The petitioner submitted that as the impugned transfer and posting order had been issued in violation of the aforesaid transfer policy, the impugned order is not sustainable in the eye of law and the same is liable to be quashed and set aside;

(b) the second ground raised by the petitioner is that he had been frequently transferred and posted at the office of IGP, M&N Sector, DIGP, Group Centre, CRPF, Imphal and 87th Bn, Jiribam back and forth for 5(five) times during 2014 to 2019 illegally and arbitrarily. The petitioner accordingly submitted that on this count also the impugned transfer order is liable to be quashed and set aside.

[3] In order to canvas his point with regard to the first ground, Mr. M. Devananda, learned counsel for the petitioner draw the attention of this Court to Para No. 10(e) of the aforesaid Standing Order which are as under:-

“10. (e) Except the cases mentioned in Para-7 C(a), (c), (d), (e) and (g), the total period of posting in a Zone shall not be more than 18 years and 10 years in a sector except in Communication/RAF/Training & CoBRA Sector including all choice posting, if availed. However, in case any unit of a particular Zone/Sector, tenure of officers/officials in such units will be counted towards the Zonal/Sector tenure under whose adm/operational jurisdiction said units are deployed. Inter Zone/Sector transfer should be regulated in such a way that it co-inside the station/place tenure”.

[4] According to Mr. M. Devananda, learned counsel for the petitioner, the transfer policy as contain in Para 10(e) of the standing order No. 03/2016 clearly provides that the total period of posting in a Zone should be 18(eighteen) years and 10(ten) years in a Sector. In such view of the matter, it is submitted by the learned counsel that since the petitioner had been transferred from M&N Sector to North East Zone before the petitioner completed the normal period of posting of 10(ten) years, the transfer of the petitioner is in violation of the aforesaid transfer policy and accordingly, the impugned transfer is not sustainable and deserves to be quashed and set aside.

[5] Mr. M. Devananda also strenuously submitted that as the petitioner had been subjected to frequent transfer in the office of IGP, M&N Sector, DIGP, Group Centre, CRPF, Imphal and 87th Bn, Jiribam back and forth for a number of 5(five) times during 2014 to 2019 in an arbitrary manner and in colourable exercise of power, the impugned transfer order is liable to be quashed and set aside.

[6] Countering the arguments advanced on behalf of the petitioner, Mr. W. Darakishwor, learned counsel appearing for the respondents submitted that

Para 10(e) of the Standing Order No. 03/2016 only provides the maximum period of posting in a zone as 18(eighteen) years and 10(ten) years in a Sector. According to the learned counsel, the said transfer policy under Para 10(e) never provides that the total period of posting in a Zone shall be 18(eighteen) years and 10(ten) years in a Sector. It is also submitted by the learned counsel for the respondents that the transfer policy under Para 10(e) does not prohibit the authorities from effecting transfer and posting of an incumbent before he completed 18(eighteen) years for tenure posting in a Zone or 10(ten) years in a Sector. In this view of the matter, there is nothing wrong in issuing the impugned transfer order and no right of the petitioner had been violated by the authorities when effecting the impugned transfer order of the petitioner.

[7] With regard to the second ground raised by Mr. M. Devananda, Mr. W. Darakishwor submitted that the contention of the petitioner that he was subjected to frequent transfer for a number of 5(five) times during 2014 to 2019 is factually incorrect and not supported by any material available on records. It is pointed out by the counsel for the respondents that by an order dated 12.09.2014, the petitioner was transferred and posted to 87th Bn, CRPF. After about 3(three) years later, the petitioner was transferred and posted to Group Centre(GC), Imphal and took over charge of EC, Group Centre, Imphal vide order dated 26.06.2017 issued by the DIGP(Adm). The petitioner remain posted in Group Centre(GC), Imphal till he was transferred to North East Sector by the impugned order dated 13.03.2019.

Mr. W. Darakishwor, the learned counsel for the respondents submitted that except for the aforesaid 2(two) transfers, the petitioner was not subjected to any frequent transfer as wrongly alleged by the petitioner in his writ petition. In such view of the matter, it is submitted by the learned counsel that there is no ground for interfering with the impugned transfer order and the writ petition deserves to be dismissed as being devoid of merit.

[8] After perusal of the relevant records of the present case and after considering the arguments advanced by the counsels of the parties, this Court is inclined to agree with the submissions advanced by the learned counsel for the respondents that the transfer policy under Para 10(e) of the aforesaid Standing Order only provides the maximum period of posting in a Zone as 18(eighteen) years and 10(ten) years in a Sector. The said transfer policy did not prohibit the authorities from effecting transfer of an incumbent before he completed 18(eighteen) years posting in a Zone or 10(ten) years posting in a Sector.

[9] So far as the second ground raised on behalf of the petitioner is concerned, it has been correctly pointed out by Mr. W. Darakishwor that the contention of the petitioner that he had been subjected to frequent transfer is factual incorrect and not supported by any material record. In fact, the petitioner was subjected to only 2(two) transfer i.e., one at 87th Bn, CRPF and another at Group Centre(GC), Imphal which is also within the M&N Sector. In this view of the matter, it cannot be said that the petitioner had been subjected to frequent transfer.

In the result, this Court find that no illegality had been committed by the authorities in issuing the impugned transfer orders and there is also no ground for interfering with the impugned transfer orders.

Accordingly, the present writ petition is dismissed.

Interim order passed earlier stands vacated.

Copy of this order be furnished to all the counsel of the parties through their respective e-mail.

JUDGE

Lhaineichong