

GAHC010095392021



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/3185/2021

CT/GD NO. 061734658 BHASKAR DAS AND ANR
S/O. LT. DHIREN DAS, R/O. QTR. NO.D.AX-6 CISF UNIT, OPS NOONMATI P.O.
UDAYAN VIHAR, P.S. SATGAON, DIST. KAMRUP (M), ASSAM, PIN-781171.

2: L/CT/GD NO.071680365 JYOTSHNA DEKA
W/O. BHASKAR DAS
R/O. QTR. NO.D.AX-6 CISF UNIT
OPS NOONMATI P.O. UDAYAN VIHAR
P.S. SATGAON
DIST. KAMRUP (M)
ASSAM
PIN-781171

VERSUS

THE UNION OF INDIA AND 5 ORS
REP. BY THE SECRETARY OF HOME AFFAIRS, NEW DELHI-110001.

2:THE DIRECTOR GENERAL

CENTRAL INDUSTRIAL SECURITY FORCE
(MINISTRY OF HOME AFFAIRS) BLOCK-13
CGO/S COMPLEX
LODHI ROAD
NEW DELHI-110003.

3:THE INSPECTOR GENERAL

NEZ
HQRS. GUWAHATI
ASSAM
PIN-781040.

4:THE DY. INSPECTOR GENERAL

NEZ
HQRS. GUWAHATI
ASSAM
PIN-781040.

5:THE ASSTT. INSPECTOR GENERAL

NES
HQRS. GUWAHATI
ASSAM
PIN-781040.

6:THE ASSTT. COMMANDANT

CENTRAL INDUSTRIAL SECURITY FORCE UNIT
OPS NOONMATI

Advocate for the Petitioner : MR. D BORAH

Advocate for the Respondent : ASSTT.S.G.I.

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 30-06-2021

Heard Mr. D. Borah, learned counsel for the petitioner as well as Mr. S.K. Medhi, learned CGC appearing for all the respondents.

2. By filing this writ petition under Article 226 of the Constitution of India, the petitioners projects that their 9 year old daughter is suffering from an eye disease requiring treatment in Sankar Netralaya since the year 2018. Expressing that the petitioners will not get a better treatment for the eye of the minor child if transferred outside the periphery of Guwahati, their child would suffer, and, as such the petitioners have assailed the Inter unit transfer order dated 27.04.2021 followed by office order dated 28.04.2021 thereby posting both the petitioners who are employed as Constable (General Duty) from CISF unit OPS, Noonmati to CISF unit, ONGC, Nazira. It is submitted that on as earlier occasion through proper channel a representation was submitted before the competent authority. However, the

representation dated 14.04.2021 which was rejected by the Inspector General, NEZ (respondent no.3) by office order dated 07.06.2021. Accordingly, the petitioners have submitted a fresh representation through proper channel on 18.06.2021 before the DIG, CISF (respondent no.4) for reconsideration of the transfer order.

3. The learned CGC has opposed this writ petition as well as the prayer for interim relief on the ground that the medical document annexed to this writ petition does not indicate any short visits to the doctor for treatment and therefore it is submitted that the petitioner would not suffer any prejudice, and that the child would also not suffer any consequences because of the transfer of both the petitioners.

4. It is also submitted that at the stage, it cannot be said that the child of the petitioner would not receive appropriate treatment on the petitioners being posted at Nazira.

5. The learned CGC submits that as per his instructions the respondent no.6 has forwarded the representation dated 18.06.2021 to the Group Commandment on 20.06.2021.

6. On considering the materials on record, the Court is of the considered opinion that it would be appropriate to direct the respondent no.4 and/ or any other authority who has the representation dated 18.06.2021 submitted by petitioner no.2 to be put up within a period of 7(seven) days from the date of receipt of a downloaded copy of this order, the correctness of which can be verified from the website of the Court.

7. The respondent no.3 is also directed to communicate the order to the petitioner no.2 within a reasonable time and grant 7(seven) days time from service of the said reply to both the petitioners to move in the event the representation is decided by him in the negative. It is further provided that during the time as provided by this Court, no adverse orders will be passed in respect of the petitioners and no coercive measures shall be taken against the petitioners.

8. This writ petition stands disposed of with the aforesaid directions.

JUDGE

Comparing Assistant