

**HIGH COURT OF TRIPURA  
AGARTALA  
WP(C) NO.270 OF 2023**

Smt. Babita Nath and anr.  
Vs.  
The Union of India and ors.

**HON'BLE MR. JUSTICE T. AMARNATH GOUD**

**Present:**

For the Petitioner(s) : Mr. D. Paul, Advocate.

For the Respondent(s) : Mr. B. Majumder, Deputy SGI

**28.04.2023**

**Order**

This present writ petition has been filed under Article 226 of the Constitution of India praying for the following reliefs:-

*"i. Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/direction of like nature shall not be issued whereby quashing the service Order No.144/2023, dated 24.03.2023 issued by the Assistant Inspector General(Estt.) CISF, so far as transfer of Smt. Babita Nath, i.e the Petitioner No.1 is concerned.*

*ii. Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/direction of like nature shall not be issued whereby quashing the NCR Section HQrs Service Order No.18/2023, dated 29.03.2023, issued by the Assistant Inspector General, NCR Sector CISF, so far as transfer of Smt. Babita Nath i.e the Petitioner No.1 is concerned.*

*iii. Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/direction of like nature shall not be issued whereby quashing the Service Order No.192/2023, dated 11.04.2023, issued by the Assistant Inspector General(Estt.) CISF, so far as transfer of Sri Krishna Kamal Nath, i.e., the petitioner No.2 is concerned.*

*iv. Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/direction of like nature shall not be issued whereby directing the Respondents to allow both the petitioners to remain in service in North Eastern Sector till completion of their Home Service tenure of 12 years.*

*v. Make the rule absolute.*

*vi. Call for records.*

*vii. Pass any further order/orders as this Hon'ble High Court considered fit and proper."*

It is the case of the petitioners herein is that both the petitioners are husband and wife and the wife-petitioner i.e. petitioner No.1 is a 8(eight) month's pregnant lady and as per the medical condition she is not supposed to travel and prayed to retain her present place of posting for another one year till gives delivery.

Heard both sides.

It is seen from the record that admittedly, petitioner No.1 is a pregnant lady and she is 8(eight) months pregnant and this Court considering her medical condition feels that it is advisable for her to not travel at this point of time and this Court is of the opinion that at least for another 5(five) months she should be undisturbed keeping in mind the health condition of the pregnant women and as well as the newly born child.

However, this Court appreciates the argument of learned Deputy SGI appearing for the respondents that the transfer is made on administrative grounds, and unless and until there is malafide intention or there is violation of transfer policy order guideline, the Court will not normally interfere in the transfer matter. But here the subject of this case which falls for consideration before this Court is on the humanitarian ground.

Accordingly, there shall be direction upon the respondents herein to defer the transfer of both the petitioners for another 5(five) months i.e till 30<sup>th</sup> September, 2023.

With the above observation and direction, this present writ petition stands allowed to the extend indicated above. As a sequel stay if any stands vacated. Pending application(s), if any also stands closed.

**JUDGE**

suhanjit

