
(2008) 08 GAU CK 0057
In the Gauhati High Court
Case No : Writ Petition (Civil) No.223 of 2008

Madhu Sudhan Debbarma

APPELLANT

Vs

State of Tripura and ors.

RESPONDENT

Date of Decision : 08-08-2008

Acts Referred:

Citation : (2012) 3 GLR 349

Hon'ble Judges : B.K.Sharma, J

Bench : Single Bench

Advocate : Mr. D.C. Roy, Mr. K. Roy, Mr. M.K. Roy , Ms. S. Debbarma (Roy) for the petitioner.??Mr. N.C. Paul for the respondents., Advocates appearing for Parties

Judgement

Heard Mr. Koushik Roy, learned counsel for the petitioner as well as Mr. N.C. Paul, learned State counsel, Tripura for the respondents.

By means of this writ petition, the petitioner has prayed for a direction to the respondents to give effect to the order of transfer dated 21.11.2007, by which has was transferred from Dharmanagar to Agartala.

After the aforesaid transfer order dated 21.11.2007, when the petitioner was not released enabling him to join at Agartala, he made a prayer on 29.11.2007 for his release. However, on the following day, i.e., 30.11.2007, his transfer to Agartala was cancelled.

The Annexure 4 is the office order dated 21.11.2007 effecting transfer and posting of as many as 25 officers and the petitioner was one of them. There is no dispute that the petitioner has already completed the normal tenure of there years of service at Dharmanagar. When it was the expectation of the petitioner that he would be released enabling him to join at Agartala, the impugned order dated 30.11.2007 (Annexure 6) was issued cancelling the transfer of the petitioner alone out of the 25 officers in respect of whom the transfer and posting was effected. In the impugned order, no reason has been assigned.

Mr. N.C. Paul, learned State Counsel, who was requested to obtain instruction, having been furnished with the instruction submits that the transfer of the petitioner had to be cancelled in view of shortage of staffs at Dharmanagar. However, he has not been furnished with any instruction as to whether the petitioner could have been replaced by any other officers.

According to the petitioner, he is in acute hardship because of his posting at Dharmanagar and his transfer at Agartala is urgently required considering the hardship being faced by him in the domestic front. The petitioner was taken up for routine transfer. He has felt aggrieved because of cancellation of his transfer leaving aside the others. It is also not the case of the respondents that no one else could be posted at Dharmanagar.

In view of the above, the writ petition is disposed of at the motion stage itself providing that the respondents may consider the case of the petitioner for transfer to Agartala as was earlier effected by order dated 21.11.2007. The plea of shortage of staff can well be taken care of by transferring officers ripe for such transfer to Dharmanagar.

The petitioner may make representation to the Government of Tripura in the Public Works Department agitating his grievance and in the event of making such representation within 10 days from today, the authorities may consider the same for his transfer and posting at Agartala. The representation of the petitioner shall be considered and disposed of as expeditiously as possible, but at any rate no later than one month from the date of submitting the representation.

With the above direction, the writ petition is disposed of.