

THE HON'BLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION No.17518 of 2023

ORDER:

This Writ Petition is filed seeking the following relief:

“...to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondent in not considering the representation made by the Petitioner to the 2nd respondent as being illegal, arbitrary, unconstitutional and violative of Article 21 of the Constitution of India and to grant...”

- 2.** This Writ Petition is being disposed of, at the admission stage, with the consent of both the parties.
- 3.** Heard Sri Sushil Kumar Pandey, learned counsel appearing on behalf of the petitioner and Sri Gadi Praveen Kumar, learned Deputy Solicitor General of India appearing on behalf of the respondents.
- 4.** Learned counsel for the petitioner submits that the petitioner joined in Central Industrial Security Force on 22.11.2014, and presently he is working at National Industrial Security Academy (NISA), Hyderabad Unit. The petitioner submitted a representation dated 19.07.2022 to respondent No.2 requesting to transfer him to the nearest unit. He further

submits that the respondent No.3 sent a reply to the petitioner on 28.06.2023 stating that “*Director NISA has remarked that “Individual has appeared before me and expressed his grievances with reference to family problems and old age parents. Hence his case is recommended as a special case for transfer to any unit which is nearest to home town”. His grievance is sent FHQ New Delhi vide letter No.(13046) dated 29.04.2023 (Copy enclosed) as on 29.04.2023*”. However, no action has been taken so far. Therefore, learned counsel prayed this Court to direct respondent No.2 to pass appropriate orders on the representation of the petitioner dated 19.07.2022.

5. Learned Deputy Solicitor General of India, on instructions, submits that the petitioner belongs to Jhunjunu, Rajasthan/NS/NCR; he has completed seven years five months in Out of Home Sector, as on cut-off date of Inter Sector Transfer-2023 i.e., 31.10.2022; his posting was not issued to his Home Sector/North Sector including NCRs due to his low merit; his merit for Home Sector/North Sector including NCRs in IST-2023 was seven years five months against IST-2023 merit of nine years ten months and personnel are transferred in IST to Home Sector as per their

merit through designated Software. He further submits that the petitioner's case for posting to Home Sector/North/NCR Sector will be considered in next Inter Sector Transfer (IST-2024) on merit subject to the availability of vacancies on replacement basis in accordance with the posting guidelines.

6. In view of the submissions made by the respective parties, without going into the merits of the case, this Writ Petition is disposed of with a direction to respondent No.2 to consider the representation of the petitioner, dated 19.07.2022, duly taking into account the observations made by the respondent No.3 and also availability of vacancies, and pass appropriate orders, in accordance with law, within a period of eight (08) weeks from the date of receipt of a copy of this order and communicate a copy thereof to the petitioner. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

PULLA KARTHIK, J

Date : 06.02.2024
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