



Serial No.01
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP (C) No.193/2023

Date of Order: 03.07.2023

Reena Sohphoh Vs. Union of India & ors

Coram:

Hon'ble Mr. Justice Sanjib Banerjee, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner : Mr. K. Paul, Sr.Adv (VC) with
Mr. S. Thapa, Adv
Mrs. R. Dutta, Adv
Mr. S. Chanda, Adv

For the Respondents : Dr. N. Mozika, DSGI with
Ms. A. Pradhan, Adv

- i) Whether approved for reporting in Law journals etc.: Yes/No
- ii) Whether approved for publication in press: Yes/No

JUDGMENT: (per the Hon'ble, the Chief Justice) (Oral)

This is a desperate attempt by an employee in the Military Engineer Services to resist an order of transfer on the specious ground that she has two minor children aged about 6 and 4, respectively.

2. At the outset, the petitioner submits that her representation to the employer was in the nature of a mercy plea since her husband has to travel regularly as a part of his service. The petitioner submits that once the children are about 8 and 6, which means a further two years from



now, the petitioner would be more confident to leave them behind and accept any posting that may be offered.

3. It does not appear from the rules governing the petitioner's service that there is any latitude given to an employee for resisting transfer on the ground of being the mother of minor children. In the short but succinct order impugned dated May 12, 2023, the Central Administrative Tribunal took the relevant considerations into account and relied on several Supreme Court judgments that instruct that routine transfers which are necessary for administrative purposes should not be interfered with by Court. Indeed, it is only in a rare case where malice in fact is made out and serious prejudice is demonstrated that the Court even entertains a plea to arrest or impede transfer.

4. Since the petitioner has made out no cogent grounds to resist the order of transfer and the petitioner was always aware that her job was transferable, there is no merit in the petition. The order impugned does not call for any interference.

5. WP (C) No.193 of 2023 is dismissed. There will, however, be no order as to costs.

(W. Diengdoh)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya
03.07.2023
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