GAHC010185502026

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

Case No. : WP(C)/4729/2026

NIDHIR RANJAN ROY
S/O LATE RAMESH CHANDRA ROY, R/O 2ND LINK ROAD, LANE NO. 4, HOUSE NO. 42, SILCHAR, P.O. LINK ROAD, DISTRICT CACHAR, ASSAM, PIN-788006.

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM, POWER (ELECTRICITY) DEPARTMENT, ASSAM SECRETARIAT, DISPUR, GUWAHATI-06.

2:THE CHAIRMAN
ASSAM POWER DISTRIBUTION COMPANY LIMITED
BIJULI BHAWAN
PALTANBAZAR
GUWAHATI-1.

3:THE MANAGING DIRECTOR
ASSAM POWER DISTRIBUTION COMPANY LIMITED
BIJULI BHAWAN
PALTANBAZAR
GUWAHATI-1

4:THE CHIEF GENERAL MANAGER (HRA)
ASSAM POWER DISTRIBUTION COMPANY LIMITED

BIJULI BHAWAN
PALTANBAZAR
GUWAHATI-1.

5:THE GENERAL MANAGER

SILCHAR REVENUE ZONES
CAR
APDCL
RADHAMADHAV ROAD
BILPAR
SILCHAR
DISTRICT CACHAR
ASSAM
PIN-788005

6:THE CHIEF EXECUTIVE OFFICER
CACHAR ELECTRICAL CIRCLE
MEHERPUR
SILCHAR-788015.

7:THE ASSISTANT GENERAL MANAGER
SILCHAR-1/SILCHAR-II
ELECTRICAL DIVISION
CAR
APDCL
MEHERPUR
SILCHAR
DISTRICT CACHAR
ASSAM
PIN-788015.

8:SRI P. DHARENDRAJIT BARMAN

SDE
SONAI ELECTRICAL SUB-DIVISION
CAR
APDCL
P.O- KABUGANJ
NARSHINGPUR PART-II
SONAI
DISTRICT- CACHAR
ASSAM
PIN- 78811

Advocate for the Petitioner : MR. P D NAIR, MR H I CHOUDHURY,MS K TAYE

Advocate for the Respondent : SC, APDCL, MR. M SARMA(R8)

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

Advocate for the petitioner : Shri P.D. Nair, Sr. Advocate,
Shri H.I. Choudhury, Advocate.

Advocate for the respondents : Shri P.N. Goswami, Sr. Advocate, APDCL,
Shri B. Chowdhury, Advocate,
Shri M. Sarma, R/8.

Date on which judgment is Reserved. : NA

Date of pronouncement of Judgment. : 06.10.2026.

Whether the pronouncement is of the operative part of the judgment? : NA.

Whether the full judgment has been pronounced? : Yes.

JUDGMENT & ORDER (Oral)

The instant petition under Article 226 of the Constitution of India has been filed with the following prayers:

> "*In the premises aforesaid, it is, therefore prayed that Your Lordship may be pleased to admit this petition, call for the records, issue Rule calling upon the Respondents to show cause as to why;*
>
> *(A) a writ of Certiorari should not be issued to set aside and quash the impugned*

transfer orders dated 12.08.2026 and subsequent transfer order dated 18.08.2026 and order dated 26.08.2026 particularly in respect of the petitioner issued by the Respondent No.4 i.e, the Chief General Manager (HRA) APDCL, Bijuli Bhawan, Guwahati in transferring the petitioner as SDE Udharbond Electrical Sub-Division, CAR, APDCL to Sonai Electrical Sub-Division, CAR, APDCL and subsequent transfer order dated 18.08.2026 in transferring the petitioner as SDE Udharbond Electrical Sub-Division, CAR, APDCL to DM. Central Stores Division, Silchar, CAR APDCL as well as order dated 26.08.2026 upholding the transfer order dated 18.08.2026 giving a direction to the petitioner to join in his new place of posting at Central Stores Division Silchar declaring the same as bad, illegal, arbitrary and non-est in law ;

AND/OR

(B) a writ of Mandamus shall not be issued directing the Respondent authorities more particularly the Respondent No.4 i.e, the Chief General Manager (HRA) APDCL, Bijuli Bhawan, Guwahati to rescind/cancel and/or forbear from giving effect to the impugned transfer orders dated 12.08.2026 and subsequent transfer order dated 18.08.2026 as well as order dated 26.08.2026 issued in respect of the petitioner;

(C) A Writ in the nature of Mandamus shall not be issued directing he respondent authorities, more particularly the Respondent No.4 i.e, the Chief General Manager (HRA APDCL, Bijuli Bhawan, Guwahati either to allow the petitioner to remain at his present place of posting at Udharbond Electrical Sub-Division or allow him to join as SDE at Sonai Electrical Sub- Division in terms of the order dated 12.08.2026.

(D) Any such other or further order should not be issued so as to give full and complete relief to the petitioner under the facts anc circumstances of the case;

(E) And/or upon cause or causes being shown and upon hearing the parties be pleased to make the Rule absolute by giving full and complete relief to the petitioner and/or pass such other or further order/orders as Your Lordships may

deem fit and proper.

-AND-

In the interim, pending disposal of the writ petition, it is prayed that, Your Lordship may be pleased to stay the operation of the impugned transfer orders dated 12.08.2026 and subsequent transfer order dated 18.08.2026 as well as order dated 26.08.2026 issued by the Respondent No.4 .e, the Chief General Manager(HRA) APDCL, Bijuli Bhawan Guwahati and direct the authority either to allow the petitioner to remain at his present place of posting at Udharbond Electrical Sub-Division or allow him to join as SDE at Sonai Electrical Sub-Division in terms of the order dated 12.08.2026."

2. As per the facts projected, the petitioner was appointed as Junior Engineer in the APDCL and was posted at Barpeta Electrical Sub-division in the year 2006. Thereafter the petitioner had served in various places and in the year 2020, he was promoted to the post of Assistant Manager/ Sub-Divisional Engineer and transferred to Silchar. In March, 2022, the petitioner was transferred to Nilambazar in the district of Sribhumi and on 15.12.2023, he was transferred back to the Central Stores Division at Silchar. The petitioner was again transferred to Udharbond in the district of Cachar on 13.02.2026 and thereafter, vide an order dated 12.08.2026 to Sonai Electrical Sub-Division in the district of Cachar. The last order dated 12.08.2026 was, however, modified by an order dated 18.08.2026 whereby the petitioner was transferred to the Central Stores Division, Silchar. The petitioner being aggrieved had submitted a representation followed by filing of WP(C)/4526/2026. The said writ petition was disposed of vide an order dated 21.08.2026 directing consideration of the representation. The said representation was accordingly considered and disposed of vide the impugned order dated 26.08.2026 rejecting his prayer and the same is the subject matter of challenge in the present writ petition.

3. I have heard Shri P.D. Nair, learned Senior Counsel assisted by H.I. Choudhury, learned counsel for the petitioner. I have also heard Shri P.N. Goswami, learned Senior Counsel assisted by Shri B. Chowdhury, learned counsel appearing for the APDCL as well as Shri M. Sarma, learned counsel for the respondent no. 8. The pleadings by the contesting parties have also been exchanged.

4. Shri Nair, learned Senior Counsel for the petitioner has submitted that the modification of the transfer order dated 12.08.2026 vide the impugned order dated 18.08.2026 which has been sustained vide the order dated 26.08.2026 is unreasonable and arbitrary. He has submitted that the petitioner had served for a long period of time in the Central Stores Division at Silchar and therefore, it would not be in the interest of justice to put him back in the same office. He has also submitted that there are no discernible reasons for modification of the order dated 12.08.2026 vide the order dated 18.08.2026 and this aspect has not been considered while disposing of the representation vide the order dated 26.08.2026.

5. The learned Senior Counsel for the petitioner accordingly prays for interference with the order dated 26.08.2026 and consequently interfere with the order dated 18.08.2026 and let the petitioner serve at his transferred place of posting at Sonai.

6. *Per contra*, Shri Goswami, learned Senior Counsel for the APDCL has submitted that transfer being an incident of service, an incumbent will have limited scope and ground to challenge the same and unless, such action is able to be demonstrated to be an outcome of *mala fide* or in violation of the statutory norms, this Court would be loath in interfering with such administrative action. He has submitted that the transfer has been made in the public interest and the representation of the petitioner has been disposed of by a speaking order assigning reasons and this Court may not go to the aspect of adequacy of the reasons while exercising certiorari jurisdiction.

7. The rival submissions advanced in the Bar have been duly considered and the materials placed before this Court have been carefully examined.

8. The grievance of the petitioner emanates from the order dated 18.08.2026 whereby the earlier order dated 12.08.2026 by which he was transferred to Udharbond to Sonai was modified and he was put back in the Central Stores Division at Silchar. The primary ground of challenge is that the petitioner had already served for a long period of time at Silchar and therefore, it may not be in the interest of public to put him back again in the Central Stores Division at Silchar. While the petitioner is entitled to put forward his views, it is ultimately the views of the employer with regard to how the services of its employees/ officers are to be utilized. Of course, if such an action is manifestly vitiated by *mala fide* or in violation of the statutory norms or Rules, this Court would not hesitate to interfere with such order of transfer. However, as rightly contended by the learned Senior Counsel for the APDCL, this Court would be loath to interfere in a routine manner with transfer order which is one of the prerogatives of the employer. The only consideration of this Court is to see as to whether the transfer has been done in the public interest.

9. In the present case, the transfer order appears to be passed in the public interest and the representation of the petitioner has been disposed of vide the impugned order dated 26.08.2026 by assigning reasons. A bare perusal of the said order would show that the competent authority had applied its mind while considering and disposing of the representation vide order dated 26.08.2026.

10. The scope of examination by this Court in exercising certiorari jurisdiction is on the decision making process and not on the merits of the decision itself. In other words, this Court is required to see as to whether the relevant factors have been

taken into consideration while coming to the impugned decision or as to whether such decision has been arrived at on irrelevant or extraneous factors. In the instant case, however, it appears that the order dated 28.06.2026 has been passed by taking into consideration the relevant factors.

11. In that view of the matter, this Court is of the opinion that no case for interference is made out by the petitioner and accordingly, the writ petition is dismissed.

JUDGE

Comparing Assistant