Item No.- 34
24.09.2026
Court No. 18
Rohan

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 26224 of 2026

Kalyan Mondal
Versus
The Union of India & Ors.

Mr. Sabyasachi Chatterjee
Mr. Kiron Sk.
Mr. Rishab Ahamed Khan
Mr. Sayed Hossain
Mr. Jamiruddin Sk.
... for the Petitioner

Mr. Syed Nurul Arefin
... for the Respondent/ECL

1. The petitioner is aggrieved with a transfer made on administrative grounds from one project to another. For such purpose, the petitioner along with others have all been issued a release order dated July 8, 2026.

2. The petitioner and others are in service in various posts of the respondent no. 6. The transfer on administrative grounds, which culminated in the release order of July 8, 2026, has been challenged by the petitioner by way of a representation dated September 9, 2026.

3. As informed by Mr. Arefin, learned advocate for the respondent authority (ECL), the representation has not been considered as of now.

4. In view of the afore-stated, the respondent no. 7 is to consider such representation of the petitioner by October 15, 2026, upon giving adequate prior notice and a hearing thereafter to the petitioner.

5. The resultant reasoned order will be communicated to the petitioner within a week thereafter.

6. Since the representation is yet to be considered, the release order is stayed until the disposal of the representation.

7. The petitioner's transfer order of July 8, 2026 is valid and subsisting as of today. The petitioner has not taken any steps nor shown any intent to discharge his duties. The petitioner did not join the transferred post in terms of the transfer order dated July 8, 2026. The respondent authority, if so advised, will be entitled to take any steps that they are entitled to, under the law, to address the non-joining of the petitioner for these two months.

8. The rejoining of the petitioner will not create any equity or right in his favor.

9. The petitioner will be permitted to rejoin without prejudice to the rights and contentions of the authority

that the transfer order of July 8, 2026 is valid and operational.

10. I make it clear that I have not gone into the merits of this case and the authorities will consider the matter afresh.

11. With the aforesaid directions, the writ petition is **disposed of**.

12. No order as to costs.

13. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance with all requisite formalities.

(Reetobroto Kumar Mitra, J.)