

ACTION HISTORY OF RTI FIRST APPEAL No.FSOID/A/E/24/00009

Applicant Name Kumar Kalbande

Text of Appeal Respected FAA Mam The information requested was different than the information provided. The order given was not digitally signed. The order is also not certified copy. The documents provided in attachment should be provided in certified manner so that I can approach court of Law. The court does not accept uncertified and unverified copy. This is requested that certified copy may be provided for Court procedures.

Reply of Appeal Revised information is being sent as per RTI Act, 2005. Appeal disposed of.

SN.	Action Taken	Date of Action	Action Taken By	Remarks
1	FIRST APPEAL RECEIVED	22/02/2024		
2	APPEAL FORWARDED TO CONCERNED FIRST APPELLATE AUTHORITY	22/02/2024	Nodal Officer	Online
3	COMMENTS SOUGHT FROM CPIO	26/02/2024	FAA - Meera Iyer	please comments.
4	COMMENTS RECEIVED FROM CPIO	21/03/2024	CPIO - Kamal Pandey	
5	APPEAL DISPOSED OF	21/03/2024	FAA - Meera Iyer	

[Print](#)

संख्या-13-12/2023-प्रशा0-4339
भारत सरकार
भारतीय वन सर्वेक्षण
पो0ऑ0-आई0पी0ई0, कौलागढ़ मार्ग
देहरादून-248195

दिनांक 18 मार्च, 2024

सेवा में,

लोक सूचना अधिकारी
भारतीय वन सर्वेक्षण
कौलागढ़ मार्ग, देहरादून।

विषय:- RTI under the Right to information Act, 2005.

संदर्भ:- पत्र संख्या:-13-9/2023-आर0टी0आई0-4273 दिनांक 12.03.2024.

महोदय,

उपरोक्त विषय के संदर्भ में सूचित किया जाता है कि Shri Kumar Kalbande, Maharashtra के आर0टी0आई0, प्रथम अपील आवेदन पत्र संख्या:-Registration No. FSOID/A/E/24/00009 दिनांक 22.02.2024 के द्वारा मांगी गई संबंधित उपलब्ध सूचना प्रशासन अनुभाग से प्रेषित की जा रही है।

भवदीया,

(सविता)

(सविता सेमवाल)

सहायक निदेशक (का0 एवं प्रशा0)

RICEH

संलग्नक:-उपरोक्तानुसार

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 3967 OF 2021

Kumar s/o Bhaskar Kalbande

Vs.

Union of India, New Delhi and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri Saurabh S. Bhende, Advocate for petitioner.
Mrs. Suhasini N. Deshpande, Advocate for respondent No.1.

**CORAM : SUNIL B. SHUKRE AND
ANIL J. PANSARE, JJ.**

DATE : 27th OCTOBER, 2021.

Heard Shri Bhende, learned counsel for the petitioner.

2. The petitioner has questioned his transfer order dated 30.07.2021 transferring him from Forest Survey of India, Central Zone Nagpur to Forest Survey of India, Eastern Zone Kolkata. The grievance of the petitioner is that his transfer order is actuated by malice as in the Communication dated 16.03.2021, the respondent No.4, levelling some allegations against the petitioner, requested the Director General of Forest Survey of India, to immediately transfer the petitioner to any other station and that just a day before issuance of the transfer order, the respondent No.2 had received a request application from Shri R.D. Patil, Junior Technical Assistant, for his transfer from Bangalore Zone



to Central Zone at Nagpur, which was granted just a day after on 30.07.2021.

3. The learned counsel for the petitioner, however, admits that the petitioner has been posted to Nagpur, through-out since inception i.e. from the year 2009 and it is only now, for the first time, that the petitioner has been transferred from Nagpur to Kolkatta.

4. The learned counsel for the petitioner also admits that the post of the petitioner is transferable though, he submits, that there is no regulation fixing a minimum period of service at a particular station. But, he agrees that period of 13 years for a Government Officer to spend at one station continuously is very long period of time.

5. The object of transfer of Government Officers is to prevent creation of vested interests to promote transparency in the administration, and to ensure good governance. If a Government Officer remains posted for such a long period of 13 years in one go, the object and purpose of the transfer of a Government Servant gets frustrated. It, therefore, follows that a Government Servant like the petitioner, who has continuously remained fastened to Nagpur for 13 long years must not and cannot contend that he has a right to be at Nagpur and that he should not be transferred to a place like



Kolkata. In fact employer of the petitioner has been quite benign so far, as could be seen from the fact of posting of petitioner at Nagpur even after his promotion.

6. Keeping in mind, the object of the transfer of Government Officer and long continuous stay at Nagpur, we are of the view that now, the petitioner has lost his right to challenge his transfer from Nagpur to Kolkata.

7. About some allegations made in the letter dated 06.05.2021, we find that the transfer order dated 30.07.2021 makes no mention of these allegations, does not consider them at all and does not rely on them in any way. The transfer order dated 30.07.2021, rather, shows that it states the reason of "public interest". If this is the reason stated in the transfer order, which we find to be in consonance with the unduly long tenure of petitioner at Nagpur, and the object of the transfer of Government Servants, there would be no ground for us to question the wisdom of the authority in transferring the petitioner. This transfer order, at the cost of repetition, we say that it has not been influenced in any manner by what is stated in the communication dated 06.05.2021 addressed by respondent No.4 to respondent No.2. The transfer order, in our considered view, serves the object of transfer of the Government Officers and has been issued in public interest as stated

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earlier, and, therefore, there is no ground whatsoever available here to find any fault in the transfer order.

8. As regards the contention that one Mr. R.D. Patil had made a request for his transfer from Bangalore to Nagpur on 29.07.2021 and it was granted the next day, which showed malafides on the part of the respondent No.2; we must say that even this is not reflected in the order dated 30.07.2021 which is assailed here. Again, we would say that the order has been issued in public interest and it serves the object of the transfer of a Government Officer, as explained by us earlier.

9. The learned counsel for the petitioner, at this stage, has invited our attention to the notice dated 17.08.2021 in order to support his contention that the transfer in question here is by way of a punishment. We don't think that this argument deserves any acceptance by us. By the notice dated 17.08.2021, entry of the petitioner in the office has been prohibited and the reason for the same is also stated. The reason is that, it was found by the superior officers of the petitioner that in spite of his transfer from Nagpur to Kolkatta, the petitioner was visiting the office and creating some scenes, which have been described to be unruly. The learned counsel for the petitioner does not deny the fact that the petitioner, even after his transfer, was trying to


सविता सेमवाल
निदेशक (गो एवं प्रशा)।
जीव वन इयेंशन
देहरादून


visit his office. Rather, he submits that the petitioner wanted to visit the office after his transfer order, in order to continue with his official work. If this is so, we are of the view that the petitioner is indulging in a behaviour unbecoming of a Government Officer and this submission made on instructions on behalf of the petitioner is no less than misconduct on the part of the petitioner. On this ground as well, this petition deserves to be rejected.

10. In view of above, the petition stands summarily rejected. No costs.

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JUDGE

JUDGE


श्री श्री जज (सिविल)
उच्च न्यायालय
कोलकाता

संख्या: 7-17/2013-प्रशासन (पार्ट)- 4162

भारत सरकार,
भारतीय वन सर्वेक्षण,
पो०ओ०-आई०पी०ई०, कौलागढ़ रोड,
देहरादून-248195

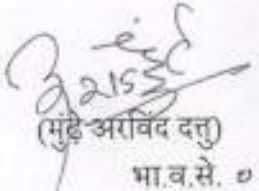
दिनांक 27 सितम्बर, 2022

कार्यालय आदेश

महिला एवं बाल विकास मंत्रालय की अधिसूचना संख्या-19-5/2013 डब्ल्यू० डब्ल्यू० दिनांक 09-12-2013 तथा इस कार्यालय के कार्यालय आदेश संख्या 7-17/2013-प्रशासन-1150 दिनांक 03 जनवरी, 2019 के क्रम में गठित समिति का पुर्नगठन तात्कालिक प्रभाव से निम्नानुसार किया जाता है।

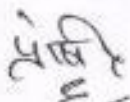
क्र० सं०	अधिकारी/कर्मचारी का नाम व पद	
1.	श्रीमती मीरा अय्यर, भा०व०से०, संयुक्त निदेशक (एफ०जी०डी०)/प्रभार	अध्यक्षा
2.	डा० सुनील चन्द्र, उप निदेशक	सदस्य
3.	श्रीमती सविता सेमवाल, सहायक निदेशक	सदस्य
4.	श्रीमती गिरिजा अरोड़ा, सहायक निदेशक	सदस्य
5.	कु० गीता, कनिष्ठ अनुवाद अधिकारी	सदस्य
6.	श्री अमित कुमार, उ०श्रे०लि०	सदस्य

यह आदेश सक्षम प्राधिकारी के अनुमोदन से जारी किया जाता है।


(मह० अरविंद दत्त)
भा.व.से. ०।०

उप निदेशक (का० एवं प्रशा०)

प्रतिलिपि:- समस्त संबंधित अधिकारी/कर्मचारीगण को सूचनार्थ।


27/9/2022


सविता सेमवाल
उप निदेशक (का० एवं प्रशा०)
भारतीय वन सर्वेक्षण
देहरादून