

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.1778 OF 2015

(Smt. Nanda w/o Sunil Amborkar Vs. Union of India & others)

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

Court's or Judge's orders

Shri M. M. Sudame, Advocate for the petitioner.
Shri Rohit Deo, ASGI for respondent Nos. 1 to 4.

**CORAM : B. R. GAVAI AND
INDIRA K. JAIN, JJ.
DATED : 07 AUGUST, 2015**

1. The petitioner has approached this Court being aggrieved by her transfer order from Western sector to Southern sector. It is the contention of the petitioner that the petitioner has completed only one year of service at Nagpur after transfer and as per Rules, her stay at the transferred place is permissible up to four years.

2. Learned A.S.G.I. for respondent Nos. 1 to 4 vehemently opposed the contentions of the petitioner. It is submitted that earlier period of twelve years for permitting a particular employee to serve in a particular sector has now been changed and now an employee cannot be permitted to stay for more than ten years. Learned ASGI submits that the CRPF being the deployable force, high level of discipline has to be maintained and hence, interference in the transfer order would not be permissible.

3. It is submitted on behalf of the petitioner that the daughter of the petitioner has recently passed 10th standard and she is undergoing education in 11th standard. It is further submitted that the petitioner's son is also required to be operated and he is taking medical treatment at Nagpur. It is further submitted that the petitioner's husband is now posted on deputation at Jammu and Kashmir and she is the only person who is looking after her children. Learned Counsel for the petitioner submits that as per the policy of the respondent, the husband and wife are required to be posted at one place.

4. Insofar as the policy of the respondent regarding locating husband and wife at same place, learned ASGI fairly stated that the petitioner's husband would be required to be transferred to Southern sector and posted along with the petitioner.

5. Normally, we are not showing interference in the transfer orders, however, taking into consideration the exceptional circumstances and the fact that if the petitioner is now transferred in the midterm, her children's education would hamper. So also, the medical treatment of the petitioner's son is going on at Nagpur.

6. In all these circumstances, by way of an

exception, we direct that the petitioner be kept at Nagpur till the end of academic session 2015-16. It is made clear that in the next transfer session, i.e. Summer-2016, the respondent would be at liberty to transfer the petitioner as well as her husband in any of the sectors, as per their choice.

Writ petition is accordingly disposed of.

JUDGE

JUDGE