

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

WA.No. 1490 of 2015 () IN WP(C).1027/2015

AGAINST THE ORDER/JUDGMENT IN WP(C) 1027/2015 of HIGH COURT OF KERALA
DATED 03-07-2015

APPELLANT(S)/PETITIONER:-:

VIJAYA KUMAR A. AGED 35 YEARS
FORCE 971220642, S/O. LATE ANNAMALI
ASSISTANT SUB INSPECTOR (MINISTERIAL)
CENTRAL RESERVE POLICE FORCE, COMPOSITE HOSPITAL
TRIVANDRUM, RESIDING AT QUARTER NO. 11
ATTACHED TO GROUP CENTRE CRPF, PALLIPURAM
TRIVANDRUM - 695 316.

BY ADV. SRI.S.VISHNU

RESPONDENT(S)/RESPONDENTS:-:

1. UNION OF INDIA
REPRESENTED BY ITS SECRETARY
MINISTRY OF HOME AFFAIRS, SOUTH BLOCK
NEW DELHI - 110 001.

2. THE DIRECTORATE GENERAL
CENTRAL RESERVE POLICE FORCE, BLOCK NO. 1
CENTRAL GOVERNMENT OFFICE COMPLEX, LODHI ROAD
NEW DELHI - 110 003.

3. THE ADDL. DIRECTOR GENERAL OF POLICE
SOUTHERN ZONE, CENTRAL RESERVE POLICE FORCE
CHANDRAYANGUTTA, HYDERABAD, ANDHARAPRADESH - 560 005.

4. THE INSPECTOR GENERAL OF POLICE
SOUTHERN ZONE, CRPF, GAYATARI HILLS
HYDERABAD, ANDHRA PRADESH - 560 005.

5. THE DEPUTY INSPECTOR GENERAL (MEDICAL)
COMPOSITE HOSPITAL, CENTRAL RESERVE POLICE FORCE
PALLIPURAM, THIRUVANANTHAPURAM, KERALA - 695 316.

6. FORCE NO. 05240036 ASSISTANT SUB INSPECTOR (MIN)
GIBI VARGHESE
GROUP CENTRE, CENTRAL RESERVE POLICE FORCE, YELAHANKA
BANGALORE, KARNATAKA - 560 064.

R1-R6 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
13-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**ASHOK BHUSHAN, CJ
&
A.M.SHAFFIQUE, J**

W.A.No. 1490 of 2015

Dated this the 13th July, 2015

JUDGMENT

Shaffique, J.

Petitioner in W.P(C).No.1027/15 is the appellant, who challenges the judgment dated 3.7.2015, by which the Writ Petition stands dismissed.

2. The appellant had approached this Court challenging Exhibit P6 by which his request for retaining him at Pallipuram on account of various reasons had been rejected by the competent authority. According to the appellant, he has been serving in hard stations in CRPF ever since he joined service for more than 13 years across the country and has been given first ever soft station posting in the year 2010. Now order has been issued transferring him to a hard station. He submitted a representation, which was considered by the competent

authorities and the same was rejected. The learned Single Judge dismissed the Writ Petition on the ground that as per the norms, the appellant is bound to be transferred after a period of three years. The appellant has been remaining in the soft station for more than five years. Under such circumstances, there is no reason for this Court to interfere with an order of transfer, especially when the order is not vitiated by any malafides.

3. Learned counsel for the appellant submits that though it is open for the respondent authorities to transfer the appellant, there are other places, where he could have been transferred. Even during the pendency of the Writ Petition the appellant had submitted Exhibit P9 representation dated 23.6.2015 stating the vacancies in the nearby stations, which was not considered by the competent authorities. It is pointed out that over the 13 years from the date of joining service, he was posted to hard stations and therefore he was entitled to get more leniency from the side of the competent authorities.

4. On the other hand, the learned Additional Solicitor General of India submits that as far as the appellant is concerned, he was posted in hard stations for the initial 8 years and thereafter he was promoted and again he had to serve in hard stations. The appellant's request for one year retention in Pallipuram was allowed. His request was to continue at Pallipuram till June, 2015 and the same period has also expired. In such circumstances, the appellant being a member of service, cannot seek a posting at another soft station, whereas he is bound to work at hard station as per Exhibit P1 order of transfer dated 13.8.2014. We do not find any error or illegality in the said order of transfer.

5. On the representation submitted by the appellant, as per Exhibit P6 order, the competent authority had, while disposing of the representation, formed an opinion that if the request of an individual is considered, then each and every person will come up with similar requests for extension of his tenure which will have negative impact on the general administration and discipline of the Force.

6. Having regard to the above facts and having considered the fact that there is no violation of the guidelines regarding transfer, we do not think that this Court can interfere in the matter. As far as Exhibit P9 is concerned, the same was submitted by the appellant during the pendency of the Writ Petition. It is always open for them to consider the said representation, if they think so. We do not think that this Court should issue any direction as sought for by the appellant for consideration of Exhibit P9 representation.

We do not find any error in the judgment of the learned Single Judge warranting interference under the appellate jurisdiction. Accordingly, the Writ Appeal is dismissed.

**ASHOK BHUSHAN
CHIEF JUSTICE**

**A.M.SHAFFIQUE
JUDGE**

vgs13/7/15