

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

THURSDAY, THE 30TH DAY OF JULY 2015/8TH SRAVANA, 1937

WA.No. 1554 of 2015 IN WP(C).10035/2013

AGAINST THE JUDGMENT IN WP(C) 10035/2013 DATED 05.06.2015

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APPELLANT/PETITIONER :

KAVITHA KUMARI K.,
(860883832-S.I/MINISTERIAL
(W/O.K. AJI C.H.), SUB INSPECTOR/MINISTERIAL),
CENTRAL RESERVE POLICE FORCE, GROUP CENTRE,
PALLIPURAM, THIRUVANANTHAPURAM,
RESIDING AT VATTAVILA HOUSE, S.N. PURAM,
PAVITHRESWARAM P.O., KOLLAM - 691 524.

BY ADV. SRI. VISHNU S CHEMPAZHANTHIYIL

RESPONDENTS/RESPONDENTS :

1. UNION OF INDIA, REPRESENTED BY THE HOME SECRETARY,
MINISTRY OF HOME AFFAIRS, NEW DELHI - 110 001.
2. THE DIRECTORATE GENERAL (CRPF),
MINISTRY OF HOME AFFAIRS,
CGO COMPLEX, LODHI ROAD, NEW DELHI - 110 003.
3. THE INSPECTOR GENERAL (P),
DIRECTORATE GENERAL, CRPF, CGO COMPLEX,
NEW DELHI - 110 003.
4. THE DEPUTY INSPECTOR GENERAL OF POLICE,
GROUP CENTRE, CENTRAL RESERVE POLICE FORCE,
PALLIPURAM, THIRUVANANTHAPURAM, KERALA - 695 316.

R1 TO R4 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 30-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

APPELLANT'S EXHIBITS :

ANNEXURE A1 : TRUE COPY OF SIGNAL NO.P-III-1/2014.IS.PEN GC-SLR
DATED 25.06.2015 FROM GROUP CENTRE, SILCHAR TO
PALLIPURAM.

ANNEXURE A2 : TRUE COPY OF SIGNAL NO.T.IX-15-2015-NES-ADM-3
DATED 13.06.2015.

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

ASHOK BHUSHAN, C.J. & A.M. SHAFFIQUE, J.

W.A. No. 1554 OF 2015

Dated this the 30th day of July, 2015

JUDGMENT

Ashok Bhushan, C.J.

This writ appeal has been filed against the judgment dated 22.05.2015 passed in W.P.(C) No. 15162 of 2015.

2. The appellant/petitioner who is working in Central Reserve Police Force had filed the writ petition challenging her transfer order, Ext.P2, by which the petitioner was transferred to 'Silchar' in Assam in North Eastern Region. Learned Single Judge by the impugned judgment refused to interfere with Ext.P2 transfer order. Learned Single Judge rejected the submission that discrimination has been meted out to the petitioner. It was however noted that the petitioner had continued at the present station for over three years.

3. Learned counsel for the appellant challenging the order of transfer contends that at the place where the petitioner has been transferred, there are no facilities available for ladies to stay. It is submitted that the posting is very difficult and two ladies who were transferred; one had submitted voluntary retirement and one has been transferred within six days. It is

difficult for the petitioner and her 21 year old daughter to join this North Eastern Region and work there. It is submitted that sufficient cause has been made to interfere with the transfer order.

4. Learned counsel for the respondent refuting the submission of learned counsel for the appellant contended that at the station where the appellant has been transferred, there are five ladies already working and the submission that in such place ladies cannot work, cannot be accepted. It is submitted that it is a mandatory requirement for a person who have more than 10 years of service to work at least 2 years in the North Eastern Region. The transfer order is issued as per the transfer policy framed by the Department. It is further submitted that two years service in the North Eastern Region is a must and if any difficulties are faced at the station, it is always open for the petitioner to submit a representation after joining in Silchar.

5. We have considered the submissions of both parties and perused the records. The petitioner is a member of CRPF which is part of disciplined force. The transfer order is effected in accordance with the guidelines regulating the transfer. Specific

period of service in different regions are one of the requirements as submitted by learned counsel for the respondent. Service in North Eastern Region is also part of mandatory duties.

6. Learned Single Judge has considered the submissions made and did not interfere. In our view the learned Single Judge has rightly refused to interfere with the transfer order in the writ petition. The High Court in exercise of the writ jurisdiction can interfere with the transfer order only when it is against the norms of transfer or if it is actuated by malafide. We observe that as submitted by learned counsel for the respondent that petitioner may join duty and if she feels any difficulty with regard to her working at Silchar, it is always open for her to represent as per the guidelines regulating the service conditions.

With the above observation, the Writ Appeal is dismissed.

**Ashok Bhushan,
Chief Justice.**

**A.M. Shaffique,
Judge.**