

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 26TH DAY OF OCTOBER 2015/4TH KARTHIKA, 1937

WP(C).No. 10354 of 2015 (T)

PETITIONER:

**V.GEETHA AGED 49 YEARS
860883895-SI/MINISTERIAL, W/O. SURESH KUMAR S.
SUB INSPECTOR/MINISTERIAL
CENTRAL RESERVE POLICE FORCE, GROUP CENTRE, PALLIPURAM
THIRUVANANTHAPURAM, RESIDING AT G.S BHAVANAM
MULAMOODU, POOVACHAL P.O. THIRUVANANTHAPURAM - 695 575.**

BY ADV. SRI.B.HARISH KUMAR

RESPONDENTS:

- 1. THE DIRECTOR GENERAL (CRPF)
MINISTRY OF HOME AFFAIRS, CGO COMPLEX, LODHI ROAD
NEW DELHI - 110 003.**
- 2. THE ADDITIONAL DIRECTOR GENERAL
SOUTH ZONE, CRPF, HYDERABAD
ANDHRA PRADESH - 560006.**
- 3. INSPECTOR GENERAL (P)
SOUTHERN SECTOR, CRPF, HYDERABAD
ANDHRA PRADESH - 560005.**
- 4. THE DEPUTY INSPECTOR GENERAL OF POLICE,
GROUP CENTRE, CENTRAL RESERVE POLICE FORCE, PALLIPURAM
THIRUVANANTHAPURAM, KERALA - 695 326.**

**R1-R4 BY ADV. SRI.SUVIN R.MENON, CGC
BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

- EXHIBIT-P1- TRUE COPY OF THE SIGNAL MESSAGE DATED 18/10/2011 ISSUED BY THE RESPONDENT FORCE
- EXHIBIT-P2- TRUE COPY OF THE TRANSFER POLICY DATED 06/02/2014 ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT-P3- TRUE COPY OF THE PROCEEDINGS OF SUMMER CHAIN TRANSFER, 2015 OF SI/MI DATED 25/02/2015 ISSUED BY THE RESPONDENT FORCE.
- EXHIBIT-P4- TRUE COPY OF THE REPRESENTATION DATED 27/02/2015 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- EXHIBIT-P5- TRUE COPY OF THE REJECTION ORDER DATED 19/03/2015 ISSUED BY THE OFFICE OF THE 2ND RESPONDENT.
- EXHIBIT-P6- TRUE COPY OF THE TRANSFER ORDER/SIGNAL MESSAGE DATED 20/03/2015 ISSUED BY THE RESPONDENT FORCE.
- EXHIBIT-P7- TRUE COPY OF THE POSTING PARTICULARS OF SIMILARLY SITUATED PERSON

RESPONDENTS' EXHIBITS

- R1(A) : TRUE COPY OF THE IGSS SIGNAL NO.T.IX.42/2012. ADM.I DATED 03.04.2012
- R1(B) : TRUE COPY OF STANDING ORDER LETTER NO.T.IX-INSTN/2014-MIN DATED 6.2.2014 OF THE DIRECTORATE GENERAL, CRPF
- R1(C) : TRUE COPY OF SIGNAL NO.T.IX.5/2014-SZ-ADM-2 DATED 10.6.2014
- R1(D) : TRUE COPY OF SIGNAL NO.T.IX.4/5/6/7/2014.SZ.ADM.2 DATED 17.06.2014
- R1(E) : TRUE COPY OF SIGNAL NO.T.IX.5/2015.SZ.ADM.II DATED 25.02.2015
- R1(F) : TRUE COPY OF THE APPLICATION DATED 27.02.2015 SUBMITTED BY THE PETITIONER
- R1(G) : TRUE COPY OF SIGNAL NO.T.IX.11/15.WS.ADM.2 DATED 20.3.2015
- R1(H) : TRUE COPY OF THE APPLICATION DATED 27.02.2015 SUBMITTED BY THE PETITIONER TO THE ADDL. DIRECTOR GENERAL

//TRUE COPY//

P.A. TO JUDGE

JJJ

K. VINOD CHANDRAN, J.

W.P.(C) No. 10354 of 2015 (T)

Dated this the 26th day of October, 2015

J U D G M E N T

The petitioner is aggrieved with the transfer order by which she has been transferred to Group Centre, Nagpur.

2. The petitioner's contention is that the petitioner never had a home station posting and the petitioner had applied under Ext.P1, which permitted Ministerial staff with 25 years and above service, who have never availed of a home posting, to request for such home posting. At the time when Ext.P1 was issued the petitioner had been continuing in Group Centre, Bangalore, to which post she was transferred on promotion as S.I. Ministerial on 31.7.2009. The petitioner was favourably considered as per the application pursuant to Ext.P1 and posted to Group Centre, Pallipuram. The posting order, produced by the respondent as Ext.R1(a), clearly indicates that the posting to Group Centre, Pallipuram from Group Centre, Bangalore

was only for the remaining static tenure.

3. The petitioner relies on Ext.P2 to contend that the tenure of a S.I. Ministerial is four years. However, it is to be noticed that the tenure specified in Ext.P2 is not in a particular Group Centre, but in a soft area posting. It is also clarified in Clause 4(b) that if any officer is transferred from one soft area posting to another soft area posting, the tenure in such cases will be reckoned by clubbing such consecutive postings. Admittedly, both Group Centres at Bangalore and Pallipuram come within the definition of soft area posting. The petitioner who was appointed in Bangalore, in a soft area, in August 2009 was continued there till 30.4.2012, when she was shifted to Group Centre, Pallipuram, another soft area. The petitioner had also been continued there till the present transfer, which, in fact, indicates that on a clubbing of the two soft area postings the petitioner had a tenure of more than six years in soft areas at Bangalore and Pallipuram.

4. One other aspect which assumes significance is that the petitioner herself being aware of such clubbing of tenure in soft areas and also aware of the specific condition as is indicated in Ext.R1(a), made a request to the 3rd respondent as per Ext.R1(f), wherein she specifically sought for a transfer to Group Centre, CRPF, Nagpur or Command Headquarters, Nagpur. True, the petitioner had also by Ext.R1(h) sought for a retention in the Group Centre, Pallipuram, itself. It is also pertinent that the petitioner was issued with a transfer as early as on 25.02.2015 as per Ext.P3, transferring her to the western sector. However, the petitioner was retained at the Group Centre, Pallipuram itself, since the petitioner had preferred two representations one to be transferred to Group Centre, Nagpur and the other to be retained at Group Centre, Pallipuram. The respondent organisation favourably considered her request to be posted at Group Centre, Nagpur, which again is a soft area posting. The contentions

raised with respect to the domestic problems of the petitioner does not by their very nature warrant any interference under Article 226.

In such circumstance, this Court does not find any reason to interfere with the transfer order passed. The writ petition would stand dismissed.

Sd/-
K.VINOD CHANDRAN,
JUDGE