

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937

WP(C).No. 11919 of 2015 (L)

PETITIONER:

**V.S.RADHAKRISHNAN AGED 54 YEARS
IRLA NO.9146, ASSTT. COMMANDANT, GROUP CENTRE CRPF
PALLIPPURAM, RESIDING AT, QUARTER NO.2/TYPE-IVCRPF
PALLIPPURAM
THIRUVANANTHAPURAM DISTRICT- KERALA-695 316**

BY ADV. SRI.JOHN T.PAUL

RESPONDENTS:

- 1. UNION OF INDIA
REPRESENTED BY THE SECRETARY
MINISTRY OF HOME AFFAIRS, NORTH BLOCK
NEW DELHI-110 001.**
- 2. THE DIG (ORGANIZATON) DTE,
DIRECTORATE GENERAL OF CRPF, CGO COMPLEX, LODHI ROAD
NEW DELHI-110 003.**
- 3. THE ADDITIONAL DIRECTOR GENERAL OF POLICE,
SOUTH ZONE, CRPF, HYDERABAD-500 078**
- 4. THE INSPECTOR GENERAL OF POLICE (ESTT),
SOUTHERN SECTOR, CRPF, HYDERBAD-500 078**
- 5. THE DEPUTY INSPECTOR GENERAL OF POLICE,
GROUP CENTRE, CRPF, PALLIPURAM
THIRUVANANTHAPURAM DISTRICT-KERALA-695 316**
- 6. THE OFFICER COMMANDING,
GROUP CENTRE, CRPF, PALLIPURAM
THIRUVANANTHAPRUAM DISTRICT-KERALA-695 316.**

**R1-R6 BY ADV. SRI.T.V.VINU, CGC
BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONERS)' EXHIBITS

- EXHIBIT P-1:** TRUE COPY OF THE TRANSFER ORDER NO.T.IX.3/2015-SZ-ADM-2
DATED 19.3.2015 AND NO.T.IX-5/2015-WS-EC-1 DATED 25.3.2015.
- EXHIBIT P-2:** STANDING ORDER 2/2014 NO.T.IX-INSTN/2014-MIN DATED 6.2.2014.
- EXHIBIT P-3:** TRUE COPY OF THE LETTER NO.T.IX-1/2014.MIN(SCT-2014) DATED
20.2.2014.
- EXHIBIT P-4:** TRUE COPY OF THE PETITIONER'S REPRESENTATION DATED
21.3.2015 AND ITS FORWARDING LETTER NO.T.IX/2015-GC PPM EC-VIII
DATED 24.3.2015.

RESPONDENT(S)' EXHIBITS

- EXHIBIT R1(A)** TRUE COPY OF SZ HQR SIGNAL NO.T.IX.5/2015-SZ-ADM-2
DATED 17.04.2015 ISSUED BY THE OFFICE OF THE DIGP,
GROUP CENTRE, CRPF, PALLIPURAM
- EXHIBIT R1(B)** TRUE COPY OF THE LETTER NO.T.IX.1/2015-GC PPM EC-VIII
DATED 21.04.2015 ISSUED BY THE OFFICE OF THE DIGP,
GROUP CENTRE, CRPF, PALLIPURAM

//TRUE COPY//

P.A. TO JUDGE

JJJ

K. VINOD CHANDRAN, J.

W.P.(C) No. 11919 of 2015 (L)

Dated this the 6th day of October, 2015

J U D G M E N T

The petitioner is aggrieved with the fact that the petitioner has been transferred to Nagpur as per Ext.P1.

2. The petitioner's contention is that the petitioner was brought to Group Centre, Pallippuram, on 17.09.2013 and within two years he is being shifted out to Nagpur. The petitioner relies on Standing Order No.2/2014, regarding transfers, produced as Ext.P2, to contend that the tenure of a soft area posting is five years and he has continued here only for two years. The petitioner also relies on the clarifications issued by the Directorate General, produced at Ext.P3, which, according to him, indicates that only if a person has completed or is completing his normal tenure at the present place of posting or is availing consecutive soft area posting, premature transfers of official staff should be made.

3. The learned Central Government Standing Counsel, however, would contend, on the basis of the counter affidavit filed, that the petitioner had been working in the southern sector from 2009 and the petitioner had been posted at Hyderabad from 11/2009 to 12/2012 and posted as Attachment with South Zone Headquarters, CRPF Hyderabad from 3/2011 and continued till 8/2013. The petitioner was posted at Pallipuram from 9/2013 till date. The specific contention raised is that the petitioner having completed ten years in the southern sector, as has been provided for in paragraph 10(e) of Ext.P2, the petitioner cannot claim continuance in the present posting.

4. The petitioner's contention seems to be on a misapprehension that the soft area posting relates to the exact location of posting. The soft area posting and hard area posting are with reference to the stations which are categorised as soft area and hard area. The petitioner had been continued in Group Centre, Nagpur and Group Centre

Hyderabad from 2006 to 2012, both being soft areas. Later, the petitioner, admittedly, was attached to the South Zone Headquarters at Hyderabad, which, the learned counsel for the petitioner contends is a hard station. True, the counter affidavit does not indicate it as either soft or hard area, but that does not confer any right on the petitioner to be continued. The petitioner had been transferred to Group Centre, Pallipuram on 17.09.2013 and had been continuing there for the past two years. What assumes significance is that the present transfer is also to a soft area at Nagpur.

5. The petitioner's contention that he would be retiring next year is refuted by the Central Government Counsel pointing out that the petitioner's retirement would come only in the year 2018. In any event, the transfer being not against the guidelines and not alleged as mala fide or without authority, this Court does not find any reason to interfere with the same.

The Writ petition would stand dismissed. No costs.

Sd/-
K.VINOD CHANDRAN,
JUDGE