

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 3RD DAY OF JULY 2015/12TH ASHADHA, 1937

WP(C).No. 12408 of 2015 (A)

PETITIONER(S):

**THANKUTTY, AGED 50 YEARS
(HC/RO (M)860881161) D/O. K.D. PAPPACHAN
"HEAD CONSTABLE/RADIO OPERATOR", CRPF, GROUP CENTER
PALLIPURAM, THIRUVANANTHAPURAM
NOW RESIDING AT "ANU VILLA", PAVITHRESWARAM.P.O.
KOLLAM KERALA.**

BY ADV. SRI.B.HARISH KUMAR

RESPONDENT(S):

- 1. THE DIRECTOR GENERAL (CRPF).
MINISTRY OF HOME AFFAIRS, CGO COMPLEX, LODHI ROAD
NEW DELHI-110003.**
- 2. INSPECTOR GENERAL OF POLICE(COMMUNICATION),
CENTRAL RESERVE POLICE FORCE, DIRECTORATE GENERAL
BLOCK 1 GO, CGO COMPLEX, NEW DELHI-110003.**
- 3. THE DEPUTY INSPECTOR GENERAL(P),
SIGNAL RANGE, CENTRAL RESERVE POLICE FORCE
KOLKATA-700001.**
- 4. THE DEPUTY INSPECTOR GENERAL(P),
GROUP CENTER, CENTRAL RESERVE POLICE FORCE, PALLIPURAM
THIRUVANANTHAPURAM, KERALA, PIN-695316.**

R1,2,3,4 BY SMT.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
03-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1. A TRUE COPY OF THE MEDICAL RECORD OF THE PETITIONERS TREATMENT ISSUED BY THE PETITIONERS TREATMENT ISSUED BY THE SAT HOSPITAL, THIRUVANANTHAPURAM.

EXT.P2. A TRUE COPY OF THE PETITION DATED 27-5-2011 FILED UNDER SECTION 7 OF THE FAMILY COURT ACT BY THE PETITIONER.

EXT.P3. A TRUE COPY OF THE PROCEEDING DATED 6-8-14 ISSUED BY THE RESPONDENT FORCE.

EXT.P4. A TRUE COPY OF THE REPRESENTATION DATED 15-10-2014 SUBMITTED BY THE PETITIONER.

EXT.P5. A TRUE COPY OF THE PROCEEDING DATED 22-11-2014 ISSUED BY THE RESPONDENT FORCE.

EXT.P6. A TRUE COPY OF THE PROPOSED TRANSFER POLICE FOR SIGNALS DATED 8-8-2014 ISSUED BY THE 1ST RESPONDENT.

EXT.P7. A TRUE COPY OF THE JUDGMENT DATED 1-12-14 PASSED BY THIS HONOURABLE COURT.

EXT.P8. A TRUE COPY OF THE REPRESENTATION DATED NIL SUBMITTED BY THE PETITIONER.

EXT.P9. A TRUE COPY OF THE MESSAGE DATED 17-3-2015 PASSED BY THE RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.12408 OF 2015 (A)

Dated this the 3rd day of July, 2015

J U D G M E N T

The petitioner, who joined the respondent Force in 1986, and has served in various locations, was posted to the unit at Pallipuram in January, 2012. She is aggrieved by Ext.P3 order of transfer dated 6.8.2014, whereby she has been transferred and deployed to Jammu and Kashmir. Against Ext.P3 transfer order, the petitioner had initially filed W.P.(C).No.32146/2015, which came to be dismissed by Ext.P7 judgment. Against the said judgment, the petitioner preferred W.A.No.65/2015, which was also disposed without interfering with the dismissal of the writ petition, but giving liberty to the petitioner to prefer a representation before the respondents seeking an extension of her tenure at Pallipuram. Although the petitioner preferred Ext.P8 representation, pursuant to the direction of the Division Bench of this Court in the Writ appeal referred to above, the said representation came to be rejected by Ext.P9 order dated 17.3.2015. In the present writ petition, the petitioner challenges Ext.P9 order of the respondents, whereby the respondents only permitted the petitioner

to continue at Pallipuram for a further period of three months. The transfer order per se was not modified in any respect.

2. A statement has been filed on behalf of the respondents, wherein, the details regarding the unsuccessful litigation pursued by the petitioner, is narrated. The circumstances under which the petitioner came to file the representation, and the reasons for which the said request of the petitioner was rejected, are also enumerated in the statement. In particular, it is stated that the petitioner has been retained at Pallipuram for almost an year after Ext.P3 order of transfer, and hence the petitioner cannot be permitted to continue at Pallipuram for any further period of time.

3. I have heard the learned counsel for the petitioner as also the learned Assistant Solicitor General of India for the respondents.

4. On a consideration of the facts and circumstances of the case as also the submissions made across the bar, I find that the contentions of the petitioner against the transfer order have already been gone into by this Court in Ext.P7 judgment, which was confirmed by a Division bench of this Court in Annexure R4(e) judgment. In that

view of the matter, I do not see any reason to interfere with the order of transfer. The petitioner would then refer to Ext.P9 order, whereby, the respondents did not deem it necessary to continue the petitioner at Pallipuram for a period beyond three months. On a perusal of the said order, I find that there is nothing in the said order that would indicate that the decision of the respondents is vitiated by mala fides or any illegality. Resultantly, the writ petition, in its challenge against Exts.P3 and P9 fail, and is accordingly dismissed.

Counsel for the petitioner would submit that the petitioner would require some time to arrange her affairs at Thiruvananthapuram prior to proceeding to Jammu and Kashmir in compliance with Ext.P3 order of transfer. Taking note of the submission of counsel for the petitioner, I direct that the petitioner need join the Unit at Jammu and Kashmir, pursuant to Ext.P3 order of transfer, only by 3rd August, 2015.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp