

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE SMT. JUSTICE P.V.ASHA

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

WP(C).No. 13276 of 2014 (H)

PETITIONER(S):

**NAVAS.A.
NO.941110975 HEAD CONSTABLE/DRIVER, GROUP CENTRE
CENTRAL RESERVE POLICE FORCE, PALLIPURAM
THIRUVANANTHAPURAM-695 316.**

**BY ADVS.SRI.S.VISHNU
SRI.M.J.AJITH MOHAN**

RESPONDENT(S):

- 1. THE INSPECTOR GENERAL , CRPF
SOUTHERN SECTOR, CENTRAL RESERVE POLICE FORCE
ROAD NO.10C, NEW MP/MLA COLONY, GAYATHRI HILLS
HYDERABAD-500 033.**
- 2. INSPECTOR GENERAL OF POLICE (PERSONNEL)
DIRECTORATE GENERAL, CENTRAL RESERVE POLICE FORCE
CENTRAL GOVERNMENT OFFICE COMPLEX, LODHI ROAD
NEW DELHI-110 003.**
- 3. THE DIRECTOR GENERAL
DIRECTORATE, CENTRAL RESERVE POLICE FORCE
CENTRAL GOVERNMENT OFFICE COMPLEX, LODHI ROAD
NEW DELHI-110 003.**
- 4. UNION OF INDIA
REPRESENTED BY THE SECRETARY
MINISTRY OF HOME AFFAIRS, NEW DELHI-110 001.**

BY ADV. SRI.T.SANJAY, CGC

**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- TRUE COPY OF THE COMMUNICATION NO.TIX.2/2013-105-EC.1 DATED JULY 2013 ISSUED BY THE COMMANDANT, 105 BATTALION.

EXT.P2- TRUE COPY OF THE SIGNAL NO.T.IX-1/2013-EC-1 DATED 27.12.2013 ISSUED BY THE COMMANDANT, 105 BATTALION.

EXT.P3- TRUE COPY OF THE OFFICE ORDER NO.T.IX.1/2014-ESTT-1 DATED 13.2.2014 ISSUED BY THE OFFICE OF THE DIGP, GROUP CENTRE, PALLIPURAM.

EXT.P4- TRUE COPY OF THE TREATMENT CERTIFICATE ISSUED BY THE ADDITIONAL PROFESSOR OF PSYCHIATRY, THIRUVANANTHAPURAM MEDICAL COLLEGE.

EXT.P5- TRUE COPY OF THE STANDING DISABILITY ASSESSMENT BOARD CERTIFICATE ISSUED VIDE NO.2173 DATED 27.11.2012 ISSUED BY THE A.A.RAHIM MEMORIAL DISTRICT HOSPITAL, KOLLAM.

EXT.P6- TRUE COPY OF THE MEDICAL RECORDS ISSUED BY THE MEDICAL COLLEGE HOSPITAL, THIRUVANANTHAPURAM.

EXT.P7- TRUE COPY OF THE COMMUNICATION NO.T.IX-4/2014-ADM-2 DATED 6.3.2014 ISSUED BY THE 1ST RESPONDENT.

EXT.P8- TRUE COPY OF THE REPRESENTATION DATED 8.3.2014 TO THE DEPUTY INSPECTOR GENERAL, GROUP CENTRE, PALLIPURAM.

EXT.P9- TRUE COPY OF THE REPRESENTATION DATED 12.3.2014 TO THE 3RD RESPONDENT.

EXT.P9(A)- ENGLISH TRANSLATION OF EXHIBIT P9.

EXT.P10- TRUE COPY OF THE REPRESENTATION DATED 3.4.2014 TO THE 3RD RESPONDENT.

EXT.P11: COPY OF THE REQUEST DATED 27.6.2015 TO THE DEPUTY INSPECTOR GENERAL OF POLICE, GROUP CENTRE PALLIPURAM.

EXT.P12: COPY OF THE REQUEST DATED 2.7.2015 TO THE DEPUTY INSPECTOR GENERAL OF POLICE, GROUP CENTRE PALLIPURAM.

RESPONDENT(S)' EXHIBITS

EXT.R1(A): COPY OF ORDER DATED 6.3.2014 POSTING THE PETITIONER TO 170 BN FROM PALLIPURAM.

EXT.R1(B): COPY OF THE RELIEVING ORDER RELIEVING THE PETITIONER FROM PALLIPURAM

EXT.R1(C): COPY OF THE ORDER REJECTING THE REQUEST OF THE PETITIONER.

EXT.R1(D): COPY OF THE ORDER DATED 15.5.2014 REJECTING EXT.P9 REPRESENTATION OF PETITIONER.

/TRUE COPY/

P.V.ASHA, J.

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W.P.(C). No.13276 OF 2014

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Dated this the 3rd day of July, 2015

JUDGMENT

The writ petition is filed by a Head Constable/Driver of Central Reserve Police Force. The challenge in this writ petition is against his transfer from Group Centre Pallipuram, Thiruvananthapuram to Battalion No.170 as per Ext.P7 order. The complaint of the petitioner is that he was given a compassionate posting for a period of one year as per Ext.P2 order dated 27.12.2013 and even before he completed the said period he was directed to be relieved by Ext.P7 dated 6.3.2014. This writ petition was filed praying for a direction to allow him to continue in Group Centre Pallipuram up to April 2015 in terms of Ext.P2 while challenging Ext.P7 order. According to the petitioner he was given a posting at Pallipuram on compassionate grounds considering ailment of his brother who is undergoing psychiatric treatment (Schizophrenia).

2. The respondents have filed counter affidavit and

moved for vacating the interim order. In the counter affidavit they have seriously opposed the continued stay of the petitioner in the Group Centre Pallipuram, which deprives the legitimate turn of his own colleagues who are working in hard areas for fighting insurgencies over the nexalities. They have furnished the details of his postings ever since his commencement of service in the year 1994 till date. It is stated that he worked for a period of about 4 years at Group Centre Pallipuram from 2007 to 2011; for a period of more than 2½ years at Coimbatore and again at Group Centre Pallipuram from 10.1.2014 onwards. It is also stated that the retention of the petitioner at Pallipuram Group Centre has invited complaints from his own colleagues who are toiling in hard areas with no respite. It is also pointed out that his continued stay on such soft postings is in gross violation of the procedure and policy. Now that he is continuing at Pallipuram for about 1½ years, though the prayer in the writ petition was to permit him to continue till April 2015.

3. The respondents have further got a case that the petitioner's brother who is undergoing treatment for mental

disease has been residing with his parents whereas the petitioner is residing separately. The writ petition is opposed in the light of the judgment in *Rajendra Roy v Union of India & Ors* reported in [(1993) 1 SCC 148 and (2005) 7 SCC 227] etc.

4. When the writ petition came up for hearing the learned counsel even though have asserted his claim for retention on the very same ground despite the relief sought, submitted that he has filed an application for voluntary retirement with effect from 1.10.2014, since the earlier application was rejected for want of qualifying service.

5. As the petitioner has completed 20 years of service it is only proper for the respondents to consider the same and pass appropriate orders, in case such an application is received.

6. Under the above circumstances, this writ petition is disposed of directing that appropriate authorities shall consider and pass orders on the application if any, made by the petitioner for voluntary retirement, in case the respondents have received such an application as stated by the petitioner, as expeditiously as possible. In the

circumstances of the case, the petitioner shall be allowed to continue till orders are passed on the same.

The Writ Petition is disposed of accordingly.

Sd/-
P.V.ASHA, JUDGE

SKV