

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 22ND DAY OF JANUARY 2015/2ND MAGHA, 1936

WP(C).No. 14034 of 2014 (D)

PETITIONER(S) :

**BAIJU VARGHESE, AGED 43 YEARS,
S/O.V.T.VARGHESE, HEAD CONSTABLE/GENERAL DUTY,
CISF UNIT, CIAL, NEDUMBASSERY, KOCHI - 683 111,
RESIDING AT VAZHAPPILLY HOUSE,
KALADY POST, CHENGAL, ERNAKULAM DISTRICT- 683 574.**

BY ADV. SRI.R.SREERAJ

RESPONDENT(S) :

- 1. UNION OF INDIA,
REPRESENTED BY SECRETARY, MINISTRY OF HOME AFFAIRS,
NEW DELHI -110 001.**
- 2. THE DIRECTOR GENERAL,
CISF HEADQUARTERS, CGO COMPLEX, LODHI ROAD,
NEW DELHI - 110 003.**
- 3. THE SENIOR COMMANDANT, CISF UNIT,
COCHIN AIRPORT(CIAL), NEDUMBASSERY, KOCHI - 683 111.**

BY ADV. SRI.T.SANJAY, CGC

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 22-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE OFFICE MEMORANDUM NO.E-3801/CISF/ADM/9TH IZT-2014/1461 DATED 03/05/2014 ISSUED BY THE ASSISTANT COMMANDANT.
- EXT.P2: TRUE COPY OF THE CERTIFICATE DATED 03/03/2014 ISSUED BY DR.LATHA P.RAO, MDS, ASSOCIATE PROFESSOR, CRANIO MAXILLOFACIAL SURGERY, AMRITA INSTITUTE OF MEDICAL SCIENCES.
- EXT.P3: TRUE COPY OF THE IDENTITY CARD FOR PERSONS WITH DISABILITIES (IN THE NAME OF KUM.SHAIBY VARGHESE) ISSUED BY THE SOCIAL WELFARE DEPARTMENT OF KERALA ON 10/10/2011.
- EXT.P4: TRUE COPY OF THE REPRESENTATION DATED 24/05/2014 SUBMITTED BY THE PETITIONER TO THE 3RD RESPONDENT.
- EXT.P5: TRUE COPY OF THE LETTER DATED 30/05/2014 ISSUED BY THE ASSISTANT COMMANDANT, CISF UNIT, AIRPORT, KOCHI.
- EXT.P6: TRUE COPY OF THE CIRCULAR NO.2/99 DATED 10/08/99 ISSUED BY THE INSPECTOR GENERAL HEADQUARTERS, DIRECTORATE GENERAL, CENTRAL INDUSTRIAL SECURITY FORCE (MINISTRY OF HOME AFFAIRS)
- EXT.P7: TRUE COPY OF THE REPRESENTATION DATED 30/05/2014 SUBMITTED BY THE PETITIONER TO THE 3RD RESPONDENT.
- EXT.P8: TRUE COPY OF THE MEDICAL CERTIFICATE IN FORM 4 DATED 30/05/2014 ISSUED BY THE AUTHORIZED MEDICAL ATTENDANT, AMRITA HOSPITAL.
- EXT.P9: TRUE COPY OF THE MEDICAL CERTIFICATE DATED 31/05/2014 ISSUED FROM LITTLE FLOWER HOSPITAL & RESEARCH CENTRE, ANGAMALY.
- EXT.P10: TRUE COPY OF THE MOVEMENT ORDER NO.E-38014/CISF/ADM/ASG COCHIN/IZT-14/M.O/2014/1728 DATED 31/05/2014 ISSUED BY THE ASSISTANT COMMANDANT.
- EXT.P11: TRUE COPY OF THE REPRESENTATION DATED 31/05/2014 SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT.
- EXT.P12: TRUE COPY OF THE ORDER DATED 12/08/2008 IN W.P.(C).NO.24278/2008 ON THE FILE OF THIS HON'BLE COURT.
- EXT.P13: TRUE COPY OF THE ORDER DATED 18/04/2006 IN W.P.(C).NO.11466/2006 ON THE FILE OF THIS HON'BLE COURT.

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**EXT.P14: TRUE COPY OF THE ORDER NO.E-38014(1)/11(23)/06/ESTT.II/VOL.02 /
1920 DATED 08/06/2006 ISSUED BY THE ASSISTANT INSPECTOR
GENERAL/ESTT, DIRECTORATE GENERAL, CISF (MINISTRY OF HOME
AFFAIRS) IN RESPECT OF SHRI.PAUL P.MATHEW.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 14034 of 2014

Dated this the 22nd day of January, 2015

J U D G M E N T

Ext.P1 order, by which the petitioner was transferred from Kochi to Imphal, is under challenge.

2. The petitioner was a Head Constable in the Central Industrial Security Force at the time of filing the writ petition. He was transferred from Kochi to Imphal as per Ext.P1 order. The petitioner alleges that he has completed more than 24 years of service and therefore, entitled to get voluntary retirement from service. To that effect, he submitted Ext.P4 representation. However, it was rejected by the respondents. According to the petitioner, any of the compelling domestic reasons pointed out by him in support of his request for voluntary retirement has not been considered by the respondents. It is further pointed out that Ext.P6 circular mandates retention of the personnel at the present place of posting

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till request for voluntary retirement is considered. The petitioner also points out that in certain instances, this Court has interfered in the similar circumstances.

3. In the statement filed by the respondents, they have stated that pursuant to the filing of the writ petition and the interim order passed by this Court, Ext.P7 request of the petitioner for voluntary retirement from service was considered by the respondents; and accordingly, the petitioner has been relieved from CISF on voluntary retirement from service with effect from 01.09.2014 (F/N).

As the main prayer of the petitioner for voluntary retirement from service is allowed by the respondents, this Court is of the view that there is no surviving cause of action. Therefore, the writ petition is closed without examining the merits.

Sd/-
A.V. RAMAKRISHNA PILLAI,
JUDGE

bka/-