

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 2ND DAY OF JUNE 2015/12TH JYAISHTA, 1937

WP(C).No. 14849 of 2015 (E)

PETITIONER(S) :

**K.SASIDHARAN (831260074-CT/DAFTRY), AGED 51 YEARS,
S/O.K.GOVINDANKUTTY NAIR (LATE), "CONSTABLE/DAFTRY",
CENTRAL RESERVE POLICE FORCE, GROUP CENTER, PALLIPURAM,
THIRUVANANTHAPURAM, RESIDING AT QUARTER NO.79,
TYPE 11 (OLD), SECTOR A, GROUP CENTER, PALLIPURAM,
THIRUVANANTHAPURAM.**

BY ADV. SRI.B.HARISH KUMAR

RESPONDENT(S) :

- 1. THE DIRECTOR GENERAL (CRPF),
MINISTRY OF HOME AFFAIRS, CGO COMPLEX, LODHI ROAD,
NEW DELHI- 110 003.**
- 2. INSPECTOR GENERAL (P)
SOUTHERN SECTOR, CRPF HYDERABAD,
ANDRA PRADESH- 560 005.**
- 3. THE DEPUTY INSPECTOR GENERAL OF POLICE,
GROUP CENTER, CENTRAL RESERVE POLICE FORCE, PALLIPURAM,
THIRUVANANTHAPURAM, KERALA - 695 326.**
- 4. THE DEPUTY INSPECTOR GENERAL (ORGANIZATION),
DIRECTORATE GENERAL, CENTRAL RESERVE POLICE FORCE,
LODHI ROAD, NEW DELHI- 110 003.**

**BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
ADV. SRI.T.V.VINU, CENTRAL GOVERNMENT COUNSEL**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: A TRUE COPY OF THE DISCHARGE SUMMARY ALONG WITH MEDICAL CERTIFICATE ISSUED BY THE DEPARTMENT OF NEUROLOGY ON 18/06/2004.**
- P2: A TRUE COPY OF THE TREATMENT CERTIFICATE DATED 12/12/2014 ISSUED BY THE MEDICAL COLLEGE HOSPITAL.**
- P3: A TRUE COPY OF THE STANDING ORDER NO.2/14 DATED 06/02/2014 ISSUED BY THE 1ST RESPONDENT.**
- P4: A TRUE COPY OF THE SIGNAL MESSAGE DATED 24/03/2013 ISSUED BY THE FOURTH RESPONDENT.**
- P5: A TRUE COPY OF THE ORDER/PROCEEDING DATED 21/09/2011 ISSUED BY THE FIRST RESPONDENT**
- P6: A TRUE COPY OF THE JUDGMENT DATED 20/11/2014 PASSED BY THIS HONOURABLE COURT.**
- P7: A TRUE COPY OF THE PROCEEDING DATED 05/12/2014 ISSUED BY THE 3RD RESPONDENT.**
- P8: A TRUE COPY OF THE PROCEEDING DATED 25/02/2015 ISSUED BY THE 4TH RESPONDENT.**
- P9: A TRUE COPY OF THE TRANSFER INTIMATION DATED 08/05/2015 ISSUED BY THE 3RD RESPONDENT.**
- P10: A TRUE COPY OF THE REPRESENTATION DATED 11/05/2015 SUBMITTED BY THE PETITIONER.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 14849 of 2015

Dated this the 2nd day of June, 2015

JUDGMENT

The petitioner, who is currently working as a Constable/Daftry with the Central Reserve Police Force, at Pallipuram, is aggrieved by Ext.P9 communication issued to him by the 3rd respondent, whereby he was informed of his transfer to the Unit at Renga Reddy in Telengana State. It is the case of the petitioner that he has been continuing at Pallipuram pursuant to his request for retention at Pallipuram, on account of the medical condition of his wife, having been considered favourably by the respondents on an earlier occasion. It is his case in the writ petition that the medical condition of his wife remains the same and besides, he is also working in the lowest rank of ministerial staff, whereby, the salary and emoluments received by him will not be sufficient for him to undertake a journey between Renga Reddy, where he is scheduled to be posted, and Pallipuram, where his wife is residing, so as to attend his wife's medical needs. It is on these grounds, that the petitioner seeks for an interdiction of the transfer order issued to him. As an alternate contention, the petitioner would also point out that there are vacancies available in Coimbatore and Bangalore and, if the petitioner has to be transferred, then the respondents could well consider the petitioner

for transfer to, either Coimbatore or Bangalore, in which event also, although there would be some inconvenience cause to the petitioner, it would still be a manageable distance from Pallipuram for the petitioner to attend to his wife's medical needs.

2. When the matter came up for admission, this Court had queried the standing counsel for the respondents on the possibility of accommodating the petitioner at either Coimbatore or at Bangalore, where according to the petitioner, there was a vacancy available to accommodate him. Through a statement filed before this Court on behalf of the respondents, it is stated that there is no vacancy in Coimbatore, and the vacancy at Bangalore is created for the purposes of posting personnel, who have completed a posting in hard areas such as Jammu & Kashmir and North-East Zone and Left Wing Extremism affected areas. It is stated, therefore, that accommodating the petitioner to a vacancy in Bangalore would result in denying an opportunity to such other personnel, who have completed their service in hard areas and thereafter opted for a posting at Bangalore.

3. I have heard the learned counsel appearing for the

petitioner and also the learned Standing Counsel appearing for the respondents.

On a consideration of the facts and circumstances of the case, and the submissions made across the bar, I find that this is a case where, on an earlier occasion, when the petitioner was transferred from Pallipuram to Jammu & Kashmir, the petitioner had approached this Court through W.P.(C) 9016 of 2013 citing the very same ground with regard to the medical condition of his wife. On that occasion, this Court by Ext.P6 judgment, had directed the respondents to consider the peculiar circumstances of the petitioner and try and accommodate him at some station within the south zone, if not at Pallipuram itself. It would appear that pursuant to Ext.P6 judgment, the case of the petitioner was considered favourably by the respondents and the transfer of the petitioner to Jammu & Kashmir was cancelled and the petitioner retained at Pallipuram. It is thereafter that the petitioner has now been served with an order of transfer to Renga Reddy in Telengana State. It is relevant to note that Telengana State is also within the limits of south zone, as far as the respondents are concerned. In that sense therefore, the petitioner is now being

transferred only to a place within a comfortable distance. In matters of transfer, it is trite that this Court will not ordinarily interfere unless the order of transfer is demonstrated to be vitiated either on account of factual or legal mala fides in the sense that they are in contravention of the norms applicable to the organization in question. In the present writ petition, I do not see any specific instance of factual mala fides raised against the respondents and further, there is no demonstrated violation of the norms of transfer. The petitioner has been the beneficiary of an earlier consideration by the respondents, when he was transferred to Jammu & Kashmir and the present transfer of the petitioner is also to a place within the south zone. In that view of the matter, I do not see any reason to interfere with the order of transfer, communicated to the petitioner through Ext.P9 communication. Resultantly, the writ petition in its challenge against the order of transfer fails and is accordingly dismissed.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE