

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR**

**WEDNESDAY, THE 17TH DAY OF JUNE 2015/27TH JYAISHTA, 1937**

**WP(C).No. 18115 of 2015 (L)**  
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**PETITIONER(S):**  
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**S.R.SUNIL KUMAR, S/O.R.SURENDRAN NAIR,  
AGED 36 YEARS, NO.003250031 CONSTABLE/GD,  
CENTRAL INDUSTRIAL SECURITY FORCE UNIT,  
VALIAMALA, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.K.B.HARSHAN  
SMT.SOUMINI JAMES**

**RESPONDENT(S):**  
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**1.THE DIRECTOR GENERAL,  
CENTRAL INDUSTRIAL SECURITY FORCE, CGO COMPLEX,  
LODHI ROAD, NEW DELHI.**

**2.THE DEPUTY INSPECTOR GENERAL/PERSONNEL,  
HEAD QUARTERS, CENTRAL INDUSTRIAL SECURITY FORCE,  
CGO COMPLEX, LODHI ROAD, NEW DELHI.**

**3.THE DEPUTY INSPECTOR GENERAL,  
DOS HQRD, ANTARIKSH BHAVAN, NEW BEL ROAD,  
BANGALORE - 560094.**

**4.COMMANDANT, CISF UNIT, LPSC, VALIAMALA,  
THIRUVANANTHAPURAM.**

**R1-R4 BY ADV. SMT.C.G.PREETHA, CGC  
R BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL OF INDIA**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
17-06-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**APPENDIX**

**PETITIONER'S EXHIBITS:**

**EXT.P1: COPY OF THE DISABILITY CERTIFICATE DATED 20.6.2014 ISSUED BY THE MENTAL HEALTH CENTRE, THIRUVANANTHAPURAM.**

**EXT.P2: COPY OF THE MEDICAL CERTIFICATE DATED 19.06.2014 ISSUED BY MENTAL HEALTH CENTRE, THIRUVANANTHAPURAM.**

**EXT.P3: COPY OF THE DEPENDENCY CERTIFICATE DATED 04.12.2012 ISSUED BY THE TAHSILDAR, NEYYATTINKARA TALUK.**

**EXT.P4: COPY OF THE OFFICE MEMMORANDUM DATED 3.2.2012.**

**EXT.P5: COPY OF THE CIRCULAR NO.2/99 DATED 10.08.1999.**

**EXT.P6: COPY OF THE REPRESENTATION DATED 22.05.2015.**

**EXT.P7: COPY OF THE OFFICE ORDER DATED 12.06.2015.**

**EXT.P8: COPY OF THE JUDGMENT DATED 10.11.2009 IN W.P.(C)NO.28375/2009.**

**EXT.P9: COPY OF THE JUDGMENT DATED 25.5.2012 IN W.P.(C).NO.12047/2012.**

**RESPONDENTS EXHIBITS: NIL.**

**//TRUE COPY//**

**P.S. TO JUDGE**

**A.K.JAYASANKARAN NAMBIAR, J.**

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**W.P.(C).NO.18115 OF 2015 (L)**  
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**Dated this the 17<sup>th</sup> day of June, 2015**

**J U D G M E N T**

The petitioner, who was a constable with the Central Industrial Security Force, working at the unit in the Liquid Propulsion Systems Centre at Valiamala, Thiruvananthapuram, is aggrieved by Ext.P7 order of transfer, transferring him from the present station to a unit in Andhra Pradesh. The case of the petitioner is that his brother is a mental patient who is solely dependent on the petitioner, and if he is transferred pursuant to Ext.P7 order, it will seriously affect the treatment that his brother is presently undergoing in connection with his ailment. The petitioner would rely on Exts.P4 and P5 Office Memoranda dealing with interstate transfers which mandate that, where a dependent family member of a personnel is suffering from a major disease, their case would be considered for a transfer to a suitable location taking into account the medical facilities available at that location. It is pointed out that highlighting his grievance, Ext.P6 representation has been preferred before the 1<sup>st</sup> respondent. The limited prayer of the petitioner in the writ petition is for a direction to the 1<sup>st</sup> respondent to consider and pass orders on Ext.P6 representation within a stipulated time frame and to keep in abeyance

Ext.P7 order till such time as orders are passed by the 1<sup>st</sup> respondent on Ext.P6 representation.

2. I have heard the learned counsel for the petitioner as also the learned Assistant Solicitor General for the respondents.

On a consideration of the facts and circumstances of the case as also the submissions made across the bar, and taking note of the factual situation projected by the petitioner, I dispose the writ petition with a direction to the 1<sup>st</sup> respondent to consider and pass orders on Ext.P6 representation submitted by the petitioner before him, within a period of one month from the date of receipt of a copy of this judgment, after hearing the petitioner. I make it clear that till such time as orders are passed by the 1<sup>st</sup> respondent, as directed above, and communicated to the petitioner, Ext.P7 order of transfer pertaining to the petitioner shall be kept in abeyance.

**A.K.JAYASANKARAN NAMBIAR**  
**JUDGE**

prp