

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 19TH DAY OF JUNE 2015/29TH JYAISHTA, 1937

WP(C).No. 18505 of 2015 (K)

PETITIONER(S):

**JAYAKRISHNAN S.C
SUB INSPECTOR (MINISTERIAL)
NOW RESIDING AT QUARTER NO. P-IV/3,
COCHIN PORT TRUST QUARTERS,
WILINGTON ISLAND, ERNAKULAM,
KOCHI, PIN - 682 009.**

**BY ADVS.SRI.V.A.MUHAMMED
SRI.M.SAJJAD**

RESPONDENT(S):

**1.THE DIRECTOR GENERAL,
CENTRAL INDUSTRIAL SECURITY FORCE,
CISF HEAD QUARTERS, 13 CGO COMPLEX,
LODHI ROAD, NEW DELHI - 110 003.**

**2.THE INSPECTOR GENERAL (SOUTH SECTOR),
CENTRAL INDUSTRIAL SECURITY FORCE,
CHENNAI, PIN - 600 009.**

**3.THE DEPUTY INSPECTOR GENERAL (SOUTH ZONE),
CENTRAL INDUSTRIAL SECURITY FORCE, BESANT NAGAR,
CHENNAI, PIN - 600 090.**

**4.THE SENIOR COMMANDANT,
CENTRAL INDUSTRIAL SECURITY FORCE,
COCHIN PORT TRUST, COCHIN, PIN - 682 009.**

**5.UNION OF INDIA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT OF INDIA,
MINISTRY OF HOME AFFAIRS, NEW DELHI, PIN - 110 003.**

R1-R5 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
19-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE DISTRICT MEDICAL BOARD CERTIFICATE DATED 30.07.2013 ISSUED TO THE DAUGHTER OF THE PETITIONER BY THE DISTRICT MEDICAL OFFICER OF HEALTH, ERNAKULAM.

EXT.P2: COPY OF THE ORDER DATED 09.07.2014 ISSUED BY THE 3RD RESPONDENT.

EXT.P3: COPY OF THE OFFICE MEMORANDUM DATED 18.02.2000.

EXT.P4: COPY OF THE OFFICE MEMORANDUM DATED 06.06.2014.

EXT.P5: COPY OF THE ORDER ISSUED BY THE 3RD RESPONDENT DATED 17.06.2015.

EXT.P6: COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 17.06.2015.

EXT.P7: COPY OF THE RELIEVING ORDER ISSUED BY THE 3RD RESPONDENT DATED 17.06.2015.

RESPONDENTS EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.18505 OF 2015 (K)

Dated this the 19th day of June, 2015

J U D G M E N T

The petitioner, who was working as Sub Inspector (Ministerial) in the Central Industrial Security Force [CISF] at the Cochin Port Trust unit, is aggrieved by Ext.P5 order of transfer whereby the petitioner has been transferred to the unit of the CISF in Hyderabad. The case of the petitioner in the writ petition is that he is the father of a girl child who is suffering from bilateral severe sensory neural hearing loss, delayed motor development and bilateral optic atrophy. The child has 70% disability and belongs to the severe disabled category of persons. It is his contention, therefore, that going by Ext.P3 and P4 norms that apply to the respondent Force, the petitioner is to be retained at the present station or, where that is not possible, at least in a station within the State. Pointing out his grievance, the petitioner has preferred Ext.P6 representation before the 2nd respondent and the prayer of the petitioner in the writ petition is for a direction to the 2nd respondent to consider and pass orders on Ext.P6 representation within a stipulated time frame, and to retain the

petitioner at the present station till such time as orders are passed by the 2nd respondent on Ext.P6 representation.

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

3. On a consideration of the facts and circumstances of the case as also the submissions made across the bar, and also taking note of the disability of the petitioner's child, and the peculiar predicament of the petitioner, I direct the 2nd respondent to pass orders on Ext.P6 representation preferred by the petitioner within a period of three weeks from the date of receipt of a copy of this judgment. I make it clear that till such time as the 2nd respondent passes orders on Ext.P6 representation, as directed above, and communicates the same to the petitioner, the petitioner shall be retained at the present Station, and Ext.P5 order of transfer, insofar as it relates to the petitioner, shall be kept in abeyance.

The writ petition is disposed as above.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp