

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 23RD DAY OF NOVEMBER 2015/2ND AGRAHAYANA, 1937

WP(C).No. 33193 of 2015 (Y)

PETITIONER:

**NO.921150376 HEAD CONSTABLE/DRIVER VARGHESE P.V.
GROUP CENTRE, PALLIPURAM
THIRUVANANTHAPURAM - 695 022.**

BY ADV. SRI.S.VISHNU

RESPONDENTS:

- 1. THE DEPUTY INSPECTOR GENERAL OF POLICE,
GROUP CENTRE, CENTRAL RESERVE POLICE FORCE
PALLIPPURAM, THIRUVANANTHAPURAM - 695 022.**
- 2. THE INSPECTOR GENERAL,
SOUTHERN SECTOR, CENTRAL RESERVE POLICE FORCE
ROAD NO.10C, NEW MP/MLA COLONY, GAYATHRI HILLS
HYDERABAD - 500 033.**
- 3. INSPECTOR GENERAL OF POLICE (PERSONNEL),
DIRECTORATE GENERAL, CENTRAL RESERVE POLICE FORCE
CENTRAL GOVERNMENT OFFICE COMPLEX, LODHI ROAD
NEW DELHI - 110 003.**
- 4. THE DIRECTOR GENERAL,
DIRECTORATE, CENTRAL RESERVE POLICE FORCE
CENTRAL GOVERNMENT OFFICE COMPLEX, LODHI ROAD
NEW DELHI - 110 003.**
- 5. UNION OF INDIA,
REPRESENTED BY THE SECRETARY
MINISTRY OF HOME AFFAIRS, NEW DELHI - 110 001.**

**BY ADV. SMT.O.M.SHALINA, CGC
BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 : COPY OF THE ORDER NO.T.IX/01/2015-ESTT.I DATED 15TH JULY, 2015 ISSUED BY THE 1ST RESPONDENT.
- EXT.P2 : COPY OF THE TREATMENT CERTIFICATE ISSUED BY T.D.MEDICAL COLLEGE HOSPITAL, ALAPPUZHA.
- EXT.P3 : COPY OF THE HEALTH CARD OF THE PETITIONER MAINTAINED BY THE CRPF (RELEVANT PAGES).
- EXT.P4 : COPY OF THE MEDICAL BOARD PROCEEDINGS DATED 20.06.2015.
- EXT.P5 : COPY OF THE MEDICAL CERTIFICATE DATED 28.01.2014 ISSUED BY THE DEPARTMENT OF ORTHOPAEDICS, MEDICAL COLLEGE HOSPITAL, THIRUVANANTHAPURAM.
- EXT.P5(A) : COPY OF THE MEDICAL CERTIFICATE DATED 24.07.2014 ISSUED BY THE DEPARTMENT OF ORTHOPEDICS, MEDICAL COLLEGE HOSPITAL, THIRUVANANTHAPURAM.
- EXT.P5(B) : COPY OF THE MEDICAL CERTIFICATE DATED 14.10.2014 ISSUED BY THE DEPARTMENT OF ORTHOPEDICS, MEDICAL COLLEGE HOSPITAL, THIRUVANANTHAPURAM.
- EXT.P6 : COPY OF THE CERTIFICATE DATED 19.06.2015 ISSUED BY THE DEPARTMENT OF ORTHOPEDICS MEDICAL COLLEGE HOSPITAL, THIRUVANANTHAPURAM.
- EXT.P7 : COPY OF THE REPRESENTATION ADDRESSED TO THE 3RD RESPONDENT.
- EXT.P8 : COPY OF THE REPRESENTATION ADDRESSED TO THE 4TH RESPONDENT.
- EXT.P9 : COPY OF THE JUDGMENT DATED 30.09.2015 IN W.P.(C). NO.22629 OF 2015.
- EXT.P10 : COPY OF THE CLEARANCE CERTIFICATE DIRECTING THE PETITIONER TO PROCEED ON TRANSFER TO 223 BATTALION.
- EXT.P11 : COPY OF THE ORDER NO.T.IX-17/2015/ESTT. DATED 23.10.2015 ISSUED BY THE OFFICE OF THE 4TH RESPONDENT.

RESPONDENTS' EXHIBITS:-

- ANXR.R1(A) : COPY OF DIRECTORATE GENERAL, CRPF, NEW DELHI ORDER NO.T.IX/17/2015/ESTT. DATED 23.10.2015.

//TRUE COPY//

P.A. TO JUDGE

K. VINOD CHANDRAN, J.

W.P(C). No. 33193 of 2015-Y

Dated this the 23rd day of November, 2015.

JUDGMENT

The petitioner's contention in the writ petition was that the petitioner was transferred, without complying with the directions in **Ext.P9**. This Court had also granted stay of the transfer as indicated at Ext.P10. Subsequently, the respondents have appeared and filed a detailed Counter Affidavit, contending that they have considered the representation of the petitioner and rejected it by **Annexure R1(a)**. Annexure R1(a) has been challenged by the petitioner, by way of amendment, producing the same as Ext.P11. The order would indicate that a consideration was made as directed in Ext.P9. The allegation is that the same was not communicated to the petitioner prior to the transfer itself being ordered.

2. The allegation is stoutly refuted by the learned Central Government Standing Counsel on the ground that Ext.P10 is not a communication and is only an office proceedings, wherein the petitioner's relief was endorsed by all the reporting Officers and the contention that he did not receive the transfer order, cannot be countenanced.

3. This Court need not go into that controversy, since as of now Ext.P11 is produced and challenged. A reading of Ext.P11 would indicate that the petitioner had been advised light duty for a period of six months from 19.06.2015. The petitioner had also been suffering from certain ailments and even going by the report of the various medical authorities, it is clear that the petitioner could regain his health, with sufficient relaxation of duty, which has been granted as on 19.06.2015.

4. The Office Notes as disclosed in Ext.P11 would indicate that the petitioner had continued in G.C. Pallippuram, his home station, beyond the three year tenure, since he had joined Pallippuram in August, 2011 and now it is almost five years, since he had continued. However, considering the fact that the

petitioner had been advised light duty for six months, which expires only on 19.12.2015, the petitioner may be transferred at any time after 01.01.2016. The petitioner shall be continued in the present post till then.

The writ petition is disposed of, leaving liberty to the official respondents to effectuate the transfer up to the date specified herein above. No costs.

Sd/-

**K. VINOD CHANDRAN,
JUDGE.**

//True Copy//

P.A. to Judge.

sp/23/11/15